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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourth periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

United Kingdom of Great Britain and Northern Ireland: Crown dependencies (Isle of Man, Bailiwick of Guernsey and States of Jersey)* **

[30 January 2001]

* The second periodic reports concerning rights covered by articles 10 and 12 (E/1986/4/Add.27 and 28) and by articles 13 and 15 (E/1990/7/Add.16) submitted by the Government of the United Kingdom of Great Britain and Northern Ireland were considered by the Committee on Economic, Social and Cultural Rights at its eleventh (1994) session (see E/C.12/1994/SR.33, 34, 36 and 37).

** The information submitted by the Government of the United Kingdom of Great Britain and Northern Ireland in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.62).

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I. ISLE OF MAN

A. Country profile

(i) Land and people

1. The geographic, ethnic, linguistic, demographic and religious characteristics of the Isle of Man remain essentially unchanged since the submission of the Isle of Man's third periodic report in 1995. There are, however, a number of statistical indicators which can assist in revealing the extent of some changes that have taken place during the five-year period. These indicators, and the background to them, are elaborated below.

2. The Economic Affairs Division of the Isle of Man Government's Department of the Treasury is responsible for collecting and collating statistical information on behalf of the Government. Population indicators are obtained by means of decennial census reports (the last of which was undertaken in 1991, with the next due, therefore, in 2001) and interim census reports, which are less detailed, carried out at the mid-point between the main censuses (last undertaken in 1996).

3. Economic indicators are also compiled on a periodic basis for the purpose of informing government policy, as well as data on social indicators, such as, for example, health and education (these are dealt with in more detail at (c) below). Information gathered by the Government is made available for purchase by the public, but individual rights to privacy are protected under data protection legislation which allows only for the release of disaggregated, or anonymous data.

	1991	1996
Total population	69 788	71 714
Percentage increase in population 1991-1996	-	4.8%
Percentage of male population under 15	8.84% (6 170)	8.98% (6 443)
Percentage of female population under 15	8.49% (5 927)	8.62% (6 181)
Percentage of male population over 65	7.82% (5 456)	7.45% (5 341)
Percentage of female population over 65	11.44% (7 986)	10.92% (7 824)

4. The Isle of Man is a relatively small territory, with no large urban centre to speak of. For the purposes of the census, the resident population is classed as living in either towns, villages or parish districts. In 1996, 51.8 per cent of the resident population were shown to be living in towns, an increase of 0.7 per cent on 1991. It is worth noting, however, that no Isle of Man resident lives more than a few kilometres from a town or village.

5. Questions concerning ethnicity and religion are not asked in the Isle of Man census. Also, questions concerning first language mother tongue and literacy are not asked. It is assumed that, amongst those adults who do not have what might be termed "learning difficulties", the literacy rate is 100 per cent. Consideration will be given as to whether such questions should be asked in the 2001 full census.

6. In 1996, the interim census revealed that the percentage of households headed by women was 30.8 per cent, and by men were 69.2 per cent.

(ii) General political structure

7. There has been no substantive change to the general political structure of the Isle of Man since the submission of the Isle of Man's third periodic report in 1995, which recognized the importance of the adequate separation of powers between the executive, the legislature, and the judiciary, as well as ensuring the independence of the judiciary.

8. The Constitution of, and method of election to, the upper chamber of the legislature, known as the Legislative Council, is currently under scrutiny, although firm proposals for reform have yet to be made.

9. Furthermore, the Isle of Man reverted in 1996 to a "first past the post" system for the elections to the House of Keys (the legislature's lower chamber) after a 10-year experimental period with a single transferable voting system using proportional representation, which was deemed to have been unsuitable in the Isle of Man.

(iii) Economic, social and cultural characteristics

10. The information available on the main economic and social indicators is outlined below and, where possible, reflects an update of the position in the Isle of Man since the last periodic report was submitted in 1995. The relevant date for the various indicators is given in brackets, although it should be noted that in some instances the most recent figures available relate to 1996.

11. The annual rate of inflation for 1999 was 2.8 per cent, a slight increase on the 1994 figure of 2.6 per cent, but a significant reduction on 10 years ago: in 1989 it was 6.9 per cent, rising to 8.7 per cent in 1990.

12. The Isle of Man's Gross National Product (GNP) has risen significantly since 1995 and the submission of the island's previous periodic report. In 1997/98 GNP (all figures at constant prices) stood at £801.4 million compared with £659.5 million in 1994/95, an increase of 22 per cent, and £470.4 million in 1987/88, an increase of 70 per cent. Per capita income has consequently risen, and GNP per capita (at current prices) has increased from £4,426 in 1986/87 to £8,536 in 1994/95, and to £10,989 in 1997/98. Over the same period GNP per capita of the Isle of Man, as a proportion of that of the United Kingdom has risen from 75 per cent in 1986/87, to 85 per cent in 1994/95 and 94 per cent in 1997/98.

13. In 1996, out of a total working population of 33,577, 6 per cent were employed in public administration. This figure compares with 7 per cent in 1991 and 6 per cent in 1981. Similarly, during the period 1986/87 to 1997/98, the proportion of income generated by public administration has remained relatively constant between 5 and 6 per cent. If government expenditure (at constant prices) is measured as a proportion of GDP (at constant prices), then the figures for 1989/90, 1994/95 and 1997/98 are 34 per cent, 37 per cent and 34 per cent respectively.

14. As a consequence of the upturn in the Isle of Man's economy, unemployment fell to 0.8 per cent for 1999, from 3.5 per cent in 1996, and 3.2 per cent in 1991. Essentially, the Isle of Man is currently enjoying a period of full employment and the latest figures indicate that unemployment has fallen further, to a rate of 0.5 per cent, in May 2000.

15. The Isle of Man has a Customs and Excise Agreement with the United Kingdom, whereby it agrees to keep its indirect taxation in line with that of the United Kingdom and, consequently, the rest of the European Union. Separate trade and balance of payments figures are therefore not calculated in respect of the Isle of Man, but are included in the United Kingdom totals.

(vi) General legal framework within which human rights are protected

16. The general legal framework within which human rights are protected remains essentially unchanged since the submission of the Isle of Man's last periodic report in 1995.

17. Courts in the Isle of Man enforce only Manx common law or statute laws. However, the courts are obliged to take into account international instruments when construing the effect of statues which implement those instruments.

18. The Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms was extended to the Isle of Man on 23 October 1953. It provides all persons with the right to enjoy human rights and fundamental freedoms and gives the right of individual petition to the European Court of Human Rights. The Isle of Man Government has caused a bill to be drafted to incorporate the Convention in domestic law. The draft legislation, which is based on the Human Rights Act 1998 of the United Kingdom, has now been introduced in the branches of the Isle of Man's legislature. For the first time, the proposed legislation will enable domestic courts to award compensation for breaches of the Convention.

19. Furthermore, the Isle of Man Government reported on its implementation of the International Covenant on Civil and Political Rights in 1999, and a delegation from the Isle of Man Government attended a meeting of the Human Rights Committee in New York on 17 March 2000. The Committee's concluding observations were published on 25 April 2000 under reference CCPR/C/79/Add.119.

B. Information and publicity concerning the Covenant and the Isle of Man's reports to the Committee

20. The External Relations Division of the Chief Secretary's Office handles requests for information on international agreements from the general public, as well as from members of the legislature and government departments. Copies of the Covenant on Economic, Social and Cultural Rights are therefore available upon request by the general public from the Division, as well as copies of previous periodic reports submitted by the Isle of Man Government under the Covenant. The External Relations Division is responsible for coordinating the preparation of periodic reports submitted under the Covenant, on behalf of the Chief Secretary.

21. In September 1996 the Isle of Man Government issued the Code of Practice on Access to Government Information which has been made widely available throughout government and to the general public. It explicitly governs the release of government information, including access to information on international agreements such as the Covenant. The Code of Practice is due to be reissued on 1 September 2000. Furthermore, in 1998, the Chief Officer Group produced "The way ahead - a strategic programme for the public service", which includes, as part of the strategic objective "improving customer service". One of the "customer service principles" is a commitment "to ensure whenever possible that information sources available to the customer are simple, in plain English and accessible".

22. The Isle of Man periodic reports generally form a part of the United Kingdom's reports, and are incorporated within them and published in the United Kingdom. However, additional publicity will be given to this report in the Isle of Man, and copies of this report and future reports made under the Covenant, will be laid before Tynwald (the Isle of Man's Parliament), and also made available to the public through the Tynwald library.

23. The Isle of Man Government is currently taking steps to encourage the use of electronic communications on the island and to this end it is hoped that most government workers will be granted access to Internet and e-mail facilities within the next two years. Many government publications, consultation documents and standard forms will be published on the government Web site at www.gov.im during that period. It is hoped that this Fourth Isle of Man report under the International Covenant on Economic, Social and Cultural Rights will also be made available on the Internet.

C. Legal status and specific implementation of the Covenant

24. The Covenant on Economic, Social and Cultural Rights has not been incorporated into the domestic law of the Isle of Man. The position is the same as in the United Kingdom. Treaties and conventions are not automatically part of domestic law. Where a change of law is necessary to implement a treaty or convention, the Government promotes legislation to do so. Such bills are subject to parliamentary procedures.

D. The role of international cooperation in the implementation of the Covenant

25. The Isle of Man does not participate in international development cooperation and does not receive assistance from other countries or international organizations. However, training associated with the implementation of the forthcoming Human Rights Bill has been provided with the assistance of the United Kingdom Government and the United Kingdom Civil Service College. The cost of this training has been met in full by the Isle of Man Government.

Article 1

26. The general political structure and system of government in the Isle of Man ensure that all peoples have the right to self-determination.

27. There are only such restrictions on economic, social and cultural development as are necessary in a democratic society. There are no restrictions on the free disposal of natural wealth and resources of the people of the Isle of Man which are inconsistent with this article.

28. The United Kingdom's ratification of the International Covenant on Civil and Political Rights (ICCPR) also extends to the Isle of Man, and the ICCPR shares certain provisions with the Covenant on Economic, Social and Cultural Rights. To this end, attention is drawn to the island's report under the ICCPR and the appearance of an Isle of Man government delegation before the Human Rights Committee in New York on 17 March 2000, as referred to above.

Articles 2 and 3

29. The Isle of Man, within the restraints of its available resources, is taking steps towards achieving progressively the full realization of the rights recognized in the present Covenant. In particular, legislation based on the Human Rights Act 1998 of the United Kingdom Parliament will be introduced into Tynwald in 2000 (see para. 18 above).

30. The Manx Government supports the principle that all people have the same rights and responsibilities. The Policies and Objectives of Central Government are provided in the annual Policy Review document and are set out in appendix 1. These overarching central policies are supported by specific departmental policies and practice, which are detailed below under the appropriate articles. In the Isle of Man, a small territory, traditionally there has been little immigration other than from Britain and Ireland, and no minorities as such. It has not therefore proved essential to introduce specific legislation to deal with this subject. However, the increase in financial business carried on through the Isle of Man in recent years has caused an increase in immigration into the island. To ensure the continuation of a stable and homogeneous society in the Isle of Man the Government's three-year legislative programme now includes new legislation to outlaw discrimination on grounds of race, colour and ethnic origin.

31. Employment legislation contains protection against dismissal on grounds of race, sex or religion. (Recent developments in the field of sex discrimination in regard to employment are dealt with under article 7 below.)

32. The United Kingdom's ratification of the Convention on the Elimination of All Forms of Discrimination against Women was extended to include the Isle of Man on 7 April 1986 and the Isle of Man Government's latest report under that Convention was prepared at the beginning of 1999.

Articles 4 and 5

33. It is the policy of the Isle of Man Government to ensure that the enjoyment of rights and freedoms, being an inherent part of Manx society, can only be restricted by democratic means which balance the needs of society against those of the individual.

Article 6

General

34. The Isle of Man Government recognizes the right of all members of the community to work and, indeed, the island currently enjoys almost full employment. Unemployment currently stands at 167 persons, 0.5 per cent of the economically active population (May 2000), whilst 1,115 vacancies were recorded at the Job Centre at the end of May 2000.

35. The Department of Trade and Industry is the government department responsible for employment and vocational training and has as its stated aim the promotion and creation of "a successful diversified economy offering employment opportunities for all" (DTI, Annual Operating Plan 1999-2000). This is elaborated through its overall aims:

> To promote economic development and diversification by encouraging existing commercially viable enterprises to prosper and new businesses to set up and develop on the island;
>
> To encourage the availability of a workforce with appropriate skills recognizing the needs of the economy and individual aspirations;
>
> To support economic development through the availability of an efficient and economic supply of energy; and
>
> To manage the resources of the Department efficiently, effectively and economically.

36. The Department has undergone significant restructuring since the submission of the Isle of Man's last periodic report in 1995, and now comprises the Economic Development, Marine Administration, and Training and Employment groups.

37. The Isle of Man is a party to the following conventions. The figures in brackets denote the reporting dates in the past five years.

> ILO Employment Policy Convention, 1964, No. 122 (1996, 1998);
>
> International Convention on the Elimination of All Forms of Racial Discrimination (1999);
>
> Convention on the Elimination of All Forms of Discrimination against Women (1999).

38. The total working population is currently estimated to be 36,000 (no breakdown for gender available). The Isle of Man is experiencing a period of full employment. As mentioned under "General" above, unemployment is very low and job vacancies outnumber unemployed persons by a wide margin. The 0.5 per cent unemployment rate in May 2000 compares with an average figure of 0.8 per cent in 1999, 3.5 per cent in 1996 and 3.2 per cent in 1991.

39. In 1996 the working population was recorded as 33,577 (56 per cent male, 44 per cent female), in 1991 it was 31,829 (57 per cent male, 43 per cent female) and in 1981 it was 25,864 (62 per cent male, and 38 per cent female). These figures show a steady increase in the proportion of women in the working population over the past 20 years. In 1991, 16.2 per cent of the employed population was under 25 years old and 24 per cent was over 50 years of age. The corresponding figures for 1996 are 13.5 per cent and 23 per cent respectively.

40. People with disabilities are felt to be under-represented in the workforce. To counter this, the Joint Committee for the Employment of People with Disabilities, consisting of representatives of the Department of Trade and Industry, the Department of Education, and the Department of Health and Social Security, has been set up with the aim of assisting more people with disabilities to gain and retain employment.

41. The Isle of Man Government endeavours to ensure that there is work for all who are available for and seeking work by attempting to create favourable conditions under which the economy will strengthen and diversify, and also to provide the local workforce with effective education and training to meet the needs of employers. To this end, during the past five years, the Isle of Man Government has encouraged the further development of its ship management industry, along with a local film industry, both of which have also precipitated the establishment of a number of support industries. Furthermore, the island is taking steps to establish an information and communications (ICT) /E-commerce industry.

42. The Department of Trade and Industry also provides a Job Centre and runs periodic job-search workshops, which are short courses intended to develop job seeking skills for people looking for employment. In addition, the Department of Education provides a Careers Advisory Service.

43. In order to ensure that work is as productive as possible, the Isle of Man Government provides grants to industrial undertakings, subsidized consultancy and support for various training activities.

44. There is complete freedom of choice of employment in the Isle of Man, that is to say all workers are free to apply for any employment for which they are qualified.

45. A wide range of technical and vocational training programmes, including apprenticeships, are provided through the Training Centre (Department of Trade and Industry) and the Isle of Man College (Department of Education). The courses available generally reflect the current structure of the economy and, consequently, cater for the needs of both employers and their prospective employees. The various categories are outlined in paragraph 48 below. The Isle of Man College offers a range of General National Vocational Qualifications. The provision of adult and vocational training at the College is described under article 13 below.

46. As mentioned above, the Isle of Man currently enjoys full employment and, as a result, the only difficulties encountered are those of labour shortage.

47. There are no restrictions or exclusions on any particular type of employment, in respect of any group of people (based on sex, religion, race or colour, etc.) made in law or otherwise. The only restrictions placed on employment are with regard to work permits, which are awarded on a non-discriminatory basis, on the basis of the requirements of the job, when no suitable Isle of Man worker is available.

48. Information on vocational guidance and training, employment and occupation is not disaggregated by race, colour, religion or national origin. Currently, 382 trainees are undergoing instruction at the Training Centre and although there are no figures available by sex at present, figures (proportion of women) for 1999 (as previously supplied under the Convention on the Elimination of All Forms of Discrimination against Women) were as follows:

Animation	22 per cent
Catering	23 per cent
Chef	26 per cent
Construction	2 per cent
Engineering	9 per cent
Hairdressing	86 per cent
Hospitality management	50 per cent
Office technology	65 per cent
Travel and tourism	70 per cent
Small business start-up scheme	32 per cent

49. Figures relating to the proportion of those employed in the various sectors of the economy who are female (latest figures derive from the 1996 interim census) were also supplied in 1999 under Convention on the Elimination of All Forms of Discrimination Women, and are as follows:

Professional	17 per cent
Managerial and technical	42 per cent
Skilled, non-manual	72 per cent
Skilled, manual	15 per cent
Partly skilled	43 per cent
Unskilled	50 per cent
Other	10 per cent
No previous occupation	31 per cent
Unknown	31 per cent

50. The Employment (Sex Discrimination) Bill has completed its passage through the legislature. The Bill, like the United Kingdom legislation upon which it is based, provides limited circumstances in which it is not unlawful to discriminate because of a "genuine occupational qualification". These include dramatic authenticity, provision of personal welfare services, privacy, domestic nurse, lack of sleeping or toilet facilities, single sex institutions, working abroad in a country whose laws and customs are such that the duties could not be performed as effectively by a person of a particular sex, and a position which is one of a pair to be held by a married couple.

51. There are no figures available which might indicate what proportion of the workforce has more than one full-time job, although in 1991, 0.39 per cent of the male working population and 2.7 per cent of the female working population worked for more than one employer. In 1996, the figures were 0.4 per cent and 3.06 per cent respectively. The figures are not, however, sufficiently broken down to show whether these people have more than one part-time job, in order to make up a suitable working week, or whether they are, indeed, in low paid employment.

52. The main changes governing the right to work are outlined above, the most significant of which is that the Department of Trade and Industry has been reorganized in order to provide a contiguous service with regard to the provision of favourable conditions to support a diverse and healthy economy, whilst encouraging the development of certain new industries with specific assistance, and support and advice for small businesses in general. Training and employment are also covered by the Department, and services are provided in order to meet the needs of the economy, as well as the citizens of the Isle of Man.

53. The Isle of Man does not receive any international assistance in the full realization of the rights enshrined in article 6, but can and does draw on the expertise of United Kingdom Government and non-governmental bodies where appropriate. The Isle of Man also reports to the International Labour Organization on the various ILO Conventions which have been extended to the island.

Article 7

54. The only additional article 22 reports requested and submitted to the ILO on Safe and Healthy Working Conditions by the Health and Safety at Work Inspectorate since the 1995 report were made on ILO Convention No. 81 (Labour Inspection Convention) in 1995, 1997 and 1999.

55. Wages are currently fixed by agreement between employers and employees, either by individual or collective bargaining. There is a mechanism by which a minimum wage is set for agricultural workers, but this is to be supplemented by a minimum wage mechanism which will apply to all sectors. Consultation has been completed on the proposed minimum wage, and a Bill is due to be introduced into the legislature in October 2000.

56. As mentioned above, a Minimum Wage Bill is to be introduced into the legislature in October 2000, and it is proposed to apply to all sectors, and will therefore apply to all workers. There will be certain exceptions however, including for example, prisoners, voluntary workers,

and people employed by friends. The competent authorities recommending the minimum wage will be the Department of Trade and Industry and the Economic Affairs Division of the Treasury, with the rate then being set by Order of Tynwald.

57. The proposed minimum wage will have the force of law, and will be kept under review by the Department of Trade and Industry.

58. In setting the minimum wage, it is proposed that the Department of Trade and Industry will consult with the Economic Affairs Division of the Treasury with regard to the contemporary figures for earnings, obtained by means of the earnings surveys. It is also proposed that current levels of social security benefits would be taken into consideration when calculating the recommended level for the minimum wage.

59. It is proposed that the machinery for fixing, monitoring and adjusting the minimum wage would be by means of a consultation exercise between the Department of Trade and Industry and the Economic Affairs Division of the Treasury.

60. There is no historic information available on a minimum wage in the Isle of Man. However, the average gross weekly pay for full-time employees in June 1999 was £383.54. This compares with £303.17 in 1994, and £212.25 in 1989.

61. It is envisaged that the system of minimum wages will be managed effectively.

62. In 1999 the Employment (Sex Discrimination) Bill 1999 was introduced into the Branches (of the Manx legislature) and Royal Assent is expected shortly.

63. Part 1 of the Bill deals with equal pay, and is based on the United Kingdom Equal Pay Act 1970. It implies in every woman's contract of employment (and conversely, in every man's contract) a provision known as "an equality clause" to the effect that she will be treated no less favourably than a man if she is engaged in like work, or work rated as equivalent (i.e. where there has been an independent evaluation study), with his. There will be a delay of one year from Royal Assent before this part of the Act comes into force.

64. The Employment (Sex Discrimination) Bill 1999 will bring into being, immediately upon Royal Assent, a new statutory post of Discrimination Officer whose purpose will be to promote the removal and avoidance of discriminatory acts in employment; and to give general guidance and information to employers and employees on the removal and avoidance of discriminatory acts in employment.

65. The Discrimination Officer will also advise employers how to carry out job evaluation studies.

66. It is to be noted that the Isle of Man Government plans further anti-discrimination legislation. The Council of Ministers has asked the Department of Trade and Industry to produce a further employment discrimination bill to address discrimination in employment on grounds of race, disability, sexual orientation and age.

67. The Council of Ministers is itself sponsoring a race relations bill, which should address racial discrimination outside the employment context.

68. The Department of Health and Social Security has been given the task of producing disability discrimination legislation outside the employment context. This would, for example, deal with discrimination in the provision of goods and services in the educational sphere, etc.

69. The income distribution of employees is not broken down between the public and private sectors, but the 1999 Earnings Survey revealed that average wages in the private sector were £373 gross per week, compared with £412 in the public sector.

70. The protection of people at work is covered by health and safety legislation administered by the Department of Local Government and the Environment, and its Health and Safety at Work Inspectorate. The Health and Safety at Work etc. Act 1974 as applied to the Island is the main law. It covers all work premises and everyone at work, except domestic service. The legislation is enforced directly by the Inspectorate in most areas of employment, such as construction sites and industrial and public sector premises. In other areas, such as offices, shops and hotels it is enforced by Environmental Health Inspectors on the Inspectorate's behalf. Importance is attached to preventing risks to the public from work activities.

71. The following number of accident notifications have been received under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985 as applied to the Island, which came into force in January 1993.

	1994	1999
Deaths	2	0
Serious injuries	53	43
"Over 3-day" injuries	114	132
Dangerous occurrences	16	7
Diseases	0	0

72. No group of workers is currently deprived of the right to equal opportunity to promotion. The situation with regard to women is the same as that with regard to men, but see 4 (b) below for details on provision to prohibit women being excluded from promotion on the basis of sex.

73. Section 8.2 of the Employment (Sex Discrimination) Bill states that "It is unlawful for a person, in the case of a woman employed by him at an establishment in the Island, to discriminate against her: (a) in the way he affords her access to opportunities for promotion, transfer or training, or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them". It will be the task of the Discrimination Officer to monitor and evaluate the success of the legislation once it comes into force, one year after Royal Assent.

74. Entitlement to holidays is agreed between employers and employees both by collective agreements and other forms of agreement. Hours of work and remuneration for public holidays are similarly agreed between employers and employees.

However, with respect to agricultural workers, Orders made under the Agricultural Wages Act 1952 provide full-time agricultural workers with an entitlement to:

Eight bank holidays per annum;

For those persons continuously employed for less than one year, a paid holiday of two calendar weeks; and

For those employed for more than one year, an additional paid holiday of two calendar weeks and one day.

75. Furthermore, section 23 of the Shops Act 2000 makes it unlawful for a shop employee to be compelled to work continuously for more than 5 hours without an interval of at least 30 minutes. Similarly, it is prohibited to compel a shop worker to work more than 10 hours (exclusive of rest intervals) in any 24-hour period, and for more than 40 hours (exclusive of rest intervals) in any one week.

76. Substantive changes in the rights enshrined in article 7 which have taken place over the past five years have been outlined above, the most notable of which is the enactment of employment sex discrimination legislation and the proposed appointment of a discrimination officer. The introduction of a statutory minimum wage will also serve to protect further the rights of workers.

77. The Isle of Man does not receive international assistance in the full realization of the rights enshrined in article 7, although the United Kingdom Government and United Kingdom non-governmental bodies are called upon to give assistance as required. Notably, however, Isle of Man is not able to benefit from EU funding in relation to the realization or the promotion of these rights.

Article 8

78. The Isle of Man is party to the conventions listed below. Information on the right to join and form a trade union and the right to strike has been provided under these conventions. Article 22 reports have been requested and submitted to the ILO and also to the United Nations on these conventions and the years in which these reports were submitted (within the past decade) are indicated in brackets.

ILO Convention 87, Freedom of Association and Protection of the Right to Organise (1992, 1994, 1996, 1998);

ILO Convention 98, Right to Organise and Collective Bargaining (1990, 1993, 1995, 1996, 1998);

ILO Convention 151, Labour Relations (Public Service) (initial report submitted 1999, covering the period from 18 February 1987, the date of extension of the United Kingdom's declaration accepting the convention on behalf of the Island, until 31 December 1998);

International Covenant on Civil and Political Rights (1999).

79. With the exception of members of the police service, all workers have the right to establish trade unions. The Trade Unions Act 1991 (as amended) recognizes the legitimate rights of workers to organize collectively and provides a legal framework (which includes various immunities), within which trade unions can operate. Trade unions, or branches of United Kingdom trade unions within the Isle of Man, are obliged to subscribe to an official register. This is beneficial in helping to ensure the unions conform to acceptable standards in respect of rules and financial dealings, and in symbolizing legal recognition. Apart from this obligation, trade unions enjoy complete independence from the public authorities.

80. There are no restrictions on the right to join and form trade unions, the only exception being members of the police service, who may join the Police Federation, as outlined in sections 12 and 13 of the Police Act 1993.

81. No restrictions are placed on the exercise of the right of trade unions to federate and join international trade union organizations. This right is enjoyed subject to the restrictions mentioned above with regard to the police.

82. Other than basic administrative requirements placed on trade unions, there are no restrictions placed on the functioning of trade unions.

83. An authorized official or any seven members of a union or associations may apply to the Chief Registrar on a prescribed form for registration. The application must include:

Name of the union or association;

Name and address of a resident official;

Address in the island for serving notices, etc.;

Any other prescribed details;

Copy of rules of the union or association;

Payment of the prescribed fee (£40).

(NB. An application from a union in the United Kingdom has to include an undertaking to comply with any court order, etc.).

84. Further to the above, the Chief Registrar must refuse to register a union association if:

The purpose of the union association is unlawful;

The applicants lack of authority to make application or to give undertaking regarding a union in the United Kingdom;

The name of the union association is the same or similar to that of one in existence; or

The application does not conform to the statutory requirements.

85. If the application is successful, then the union/association is entered on the appropriate register and issued with a certificate of registration. There is provision for the amendment of the register on the payment of a £10 fee and for cancellation of a registration in certain circumstances. Registered unions/associations must make an annual return to the Chief Register of accounts, current rules and officers, and the numbers of members.

86. The tradition in the Isle of Man is that the terms and conditions of employees are negotiated between the parties. This may be within the framework of a trade union recognition agreement.

87. Forty-five trade unions, with a total membership of 8,554 have submitted returns to the General Registry. Six more trade unions have given non-Manx specific membership details and a further five have submitted no returns. A copy of the latest annual membership details for trade unions on the Isle of Man is provided in Appendix 2 (source: General Registry, years of returns, 1994 to 1999).

88. Participation in a strike almost always constitutes a breach of the contract of employment which, under common law, would permit the employer lawfully to terminate the contract without notice. It is for this reason that the Island's employment legislation framework contains a number of specific protective measures and immunities for workers taking industrial action which limit an employer's freedom to dismiss participants in a strike or other industrial action.

89. Section 49 of the Employment Act 1991 concerns inter alia, the dismissal of an employee whilst participating in a strike or other industrial action. An employee may bring a case of unfair dismissal providing that one of the two following circumstances applies:

> One or more of the other employees participating in the strike or industrial action at the date of the complainant's dismissal were not dismissed; or
>
> One or more of those employees, whilst dismissed, have within three months of their dismissal, been offered re-engagement and the complainant has not.

90. This protection is available not only if the action is official, that is authorized or endorsed by the relevant trade union, but also protects workers taking unofficial action. The need for an even-handed treatment of participants is intended to act as a practical disincentive to dismissal. Further, any complaint of unfair dismissal under section 49 entails conciliation by the independent Industrial Relations Service, the result of which could be the reinstatement of the dismissed employee. To date, the legislation has had the practical effect which was intended; since its introduction no employer has dismissed an entire workforce and no employee has been deemed to have been selectively dismissed under section 49.

91. In addition, Section 10 of the Trade Unions Act 1991 provides workers taking industrial action with immunity from liability for damages to their employer for breach of their contracts of employment.

92. Section 2 of the Trade Dispute Act 1985 provides for a collective "trade dispute" to be referred to the Industrial Relations Service for possible resolution. This mechanism creates

possibilities both of settling a dispute which might escalate into industrial action (placing participating employees at risk of dismissal) and of resolving one which was itself caused by the dismissal of strikers, by securing their reinstatement through agreement with the employer.

93. No restrictions are placed on the right to strike other than limitations under the Trade Unions Act 1991 relating to secondary strikes, the requirement that strike action be subject to ballot and that it be organized by a registered trade union. However, disputes in "designated essential services" could be subject to a court of inquiry for compulsory arbitration. It is to be noted that historically, there has been no designation of "essential service" and consequently, no court of inquiry undertaken into a dispute involving an "essential service". In practice, therefore, the different method of resolving disputes involving "essential services" cannot be said to have had any practical effect on the rights of those employed in such services.

94. As outlined above, the right to strike is not, in itself, limited for any employees, but the method of resolution of "trade disputes" can differ for those employed in what might be designated as "essential services".

95. The United Kingdom is responsible for the Isle of Man's defence and international relations. Therefore, the Isle of Man Government does not employ anyone in the capacity of member of the armed forces. Restrictions with regard to the rights enjoyed by the police are outlined in paragraphs 79 to 81, 93 and 94 above, but it is worth noting that section 17 of the Police Act makes it a criminal offence for an individual police officer to incite his colleagues to undertake industrial action. Individual police officers taking industrial action would be subject to disciplinary procedures under the Police Regulations.

96. There have been no significant changes in the situation in the Isle of Man with regard to the right to join and to form trade unions, nor the right to strike, since the last report was submitted in 1995. The current situation is, however outlined above.

97. Following an International Labour Organization Committee of Freedom of Association case in 1996-1997 the Department of Trade and Industry, which has responsibility for employment legislation, agreed at the request of the International Labour Organization to review statutory protection for persons taking industrial action and this work is currently ongoing. In addition, the Department is shortly to publish a consultative document concerning recognition of trade unions.

Article 9

98. The United Kingdom's ratification of the ILO Social Security Convention (No. 102) has been extended to the Island and the Isle of Man Government reported on this Convention in 1996.

99. The following branches of social security exist in the Isle of Man:

Medical care;

Cash sickness benefits;

Maternity benefits;

Old-age benefits;

Invalidity benefits;

Survivor's benefits;

Employment injury benefits;

Unemployment benefits;

Family benefits.

100. The social security system is described fully below. Information on current government expenditure and benefit rates is given in Appendix 3.

1. Social security on the Isle of Man

101. The major parts of the social security schemes of the Isle of Man and the United Kingdom have developed along the same or very similar lines. This has been a deliberate policy right from the inception of formal social security arrangements in the Isle of Man in 1920, through reforms in 1948 and up to the present. Initially, keeping Isle of Man provisions virtually in line with the United Kingdom made the negotiations of reciprocal provisions easier and as the Reciprocal Agreement between the Isle of Man and the United Kingdom developed it was convenient to develop new provisions in line with those of the United Kingdom.

102. The early developments showed a considerable amount of foresight by the Isle of Man Government of the day in recognizing the close links, including business links, between the Isle of Man and the United Kingdom, and the great deal of movement of people between the two countries.

103. It is convenient for contributors and employers if the same, or virtually the same, contribution structure and liability applies in both countries. It is convenient for beneficiaries who have established benefit entitlement in one country to be assured that their entitlement will be valid in the other country. It is convenient for members of occupational pension schemes who may wish to move between the countries to know that the same provisions, the same regulation and the same control procedures will apply in both countries. It is convenient for the Social Security authorities to be able to operate major parts of the two Social Security schemes as though there was a single scheme, thus allowing a very efficient service to be provided to customers who move between the two countries.

104. The Isle of Man has, in addition, developed a number of local schemes that enhance the benefit position of certain categories of persons. For ease of reference these are shown in *italics*.

105. The reciprocal arrangements between the Isle of Man and the United Kingdom exclude income-related benefits.

2. National insurance contributions (NICs)

106. In the Isle of Man, employed people (including the self-employed) must pay NICs when their earnings attain a prescribed level (lower earnings limit). Non-employed people, or those earning below a certain level, are able to pay contributions voluntarily. Payment of contributions enables individuals to establish entitlement to a range of contributory benefits (e.g. retirement pension) and serves to finance the year-by-year payment of benefits.

107. There are four classes of contributions, which are payable in different circumstances and which count towards different benefits.

Class 1

Employee's (or primary) contribution

108. Contributions are paid by employees earning at least the lower earnings limit. The lower earnings limit is the level of earnings which an employee must have before becoming liable to pay contributions. The upper earnings limit is the level at which any further earnings do not attract an employee's contribution liability.

109. Up to April 1999 the rate of contributions payable by the main group of contributors was 2 per cent on earnings up to the lower earnings limit and 10 per cent on the remainder, up to the upper earnings limit.

110. However, from April 1999, the two per cent contribution on earnings below the lower earnings limit for employees with earnings above the lower earnings limit was abolished. Employees now simply pay a 10 per cent contribution on earnings between the lower and upper earnings limits.

Employers' (or secondary) contribution

111. The lower earnings limit is relevant to the employer's liability, i.e. the employer is not liable for a contribution unless the employee has earnings at or above the limit. The upper earnings limit is not relevant to the employer's liability. The employer is liable for contributions on all earnings of his employee once the lower earnings limit is reached.

112. Up to April 1999 the standard rate contribution payable by employers was 10 per cent. This applied where an employee earned £210 per week or more. The rates which employers paid for lower paid workers were 7, 5 and 3 per cent. The earnings bands for which such contributions are payable were as follows:

3 per cent on all earnings where earnings are between £ 64.00 and $109.99;

5 per cent on all earnings where earnings are between $110.00 and £154.99;

7 per cent on all earnings where earnings are between £155.00 and £209.99.

113. Under the system introduced from April 1999, there is now a new entry point for secondary Class 1 National Insurance contributions, called the earnings threshold. This has been set at £83 per week.

114. A flat rate of 12.2 per cent is applied to all earnings above the earnings threshold, no contributions being due on the portion of earnings up to and including the earnings threshold.

115. Reduced rates of contributions apply where employees are members of contracted-out occupational pension schemes or appropriate personal pension schemes.

Class 2

116. Class 2 contributions are paid by the self-employed at a flat rate and count towards most flat-rate benefits except Jobseeker's Allowance.

Class 3

117. Class 3 contributions can be paid voluntarily and are also flat-rate. They count only for flat-rate Retirement Pension and widows' benefits.

Class 4

118. Class 4 contributions are paid by those self-employed whose profits exceed a certain level; they are paid as a percentage of profits, up to a ceiling. Contributions in this class do not confer any benefit rights in addition to those for Class 2.

119. Contributions may be credited in case of incapacity, unemployment or caring for a disabled person.

120. There are different rates of contribution for Class 1 contributors according to whether or not they are "contracted-out" of the additional State Earnings Related Pension Scheme (SERPS). Those who are not contracted-out pay extra contributions and build up entitlement to an additional earnings-related State pension, proportional to the number and level of extra contributions. The contracted-out rates differ dependent upon the type of occupational pension scheme. Age-related rebates are payable by the Department to providers of personal pensions and money purchase occupational pensions.

3. State retirement pensions

121. As in the United Kingdom, the Isle of Man State Retirement Pension scheme is contributory and provides a basic flat rate pension for employed earners, the self-employed and non-employed. Payment of contributions for approximately nine tenths of a working life is required to give entitlement to a standard rate. The basic pension may be paid at a reduced rate where the contributions conditions are only partially satisfied (but no basic pension is paid where there is less than 25 per cent entitlement). A married women who has not contributed towards a pension in her own right will be entitled to a basic pension on her husband's contributions - at 60 per cent of his rate - when he claims his pension.

122. A provision known as Home Responsibilities Protection (HRP) protects the retirement pension position of people who are prevented from working because of specified responsibilities at home.

123. HRP reduces the number of qualifying years a person needs in order to receive a full basic pension. A married woman who has retained her right to pay reduced rate contributions (no new contributor can opt for this) cannot get HRP.

124. Since April 1978 employed earners have, unless they were "contracted-out" under an occupational pension scheme, been able to build up rights to an additional pension - the State Earnings Related Pension Scheme (SERPS). Major changes to reduce the cost of SERPS were made by the Social Security Act 1986. The pensions provisions were amended so that for anyone reaching pensionable age after April 2000 the additional pension will be calculated at a lower level than the present maximum of 25 per cent of relevant earnings. The reduction is to be phased so that towards the middle of the next century additional pensions will be, at most, 20 per cent of relevant earnings. These will be calculated on the contributor's lifetime average earnings instead of the best of 20 years as at present.

125. Pensionable age is currently 65 for a man and 60 for a woman, but in line with the United Kingdom the women's pension age is to be moved incrementally to age 65 over a 10-year period starting in April 2010. A person may receive his pension whether or not he continues to work and irrespective of his earnings. He may however defer taking his pension for a maximum period of 5 years after pension age and thus earn increments to both his basic and additional pension. The Pensions Act 1995 removed the 5-year maximum and increased the incremental rate, effective from 2010.

126. A pensioner may receive an increase of his Retirement Pension for an adult dependant or for dependent children.

127. The Isle of Man has, in addition, developed a number of local schemes that enhance the benefit position of certain categories of persons. For ease of reference these are shown in italics. In a number of respects, therefore, the Isle of Man benefit system is more generous than that of the United Kingdom.

128. *The Pension Supplement Scheme makes provision for a supplement to be paid with Retirement Pensions, and other long-term benefits, where the pensioner has paid Isle of Man contributions for at least 10 years. The entitlement is subject to a residence condition and a woman may qualify by virtue of her husband's or late husband's contributions.*

129. *The Retirement Pension (Premium) Scheme assists those pensioners who have not participated in SERPS by providing a payment to stand in place of additional pension from SERPS. The payment is effective from age 75.*

130. *Both benefits are awarded automatically - no claims are required.*

4. Occupational and personal pensions

131. As in the United Kingdom, occupational pension schemes are the main form of private pension arrangement in the Isle of Man and are set up voluntarily by employers. These schemes provide pensions and, usually, lump sums for retirement: it is also common for them to provide death benefits. The benefits provided can be in addition to those provided under the State scheme, and may replace the State Earnings Related Pension Scheme if the employer chooses to "contract out" the scheme members concerned, provided the benefits are broadly equivalent to SERPS.

132. There are two main types of occupational pension scheme:

Salary related (defined benefit) in which the employer, often with the help of contributions by the employee, pays whatever is needed to secure pensions defined in relation to past salary;

Money purchase (defined contribution) in which the contributions are fixed and the pensions depend on the contribution level and the out-turn of the investment.

133. Contributions are paid by employers, and often by employees. Where employees are required to pay contributions these are usually calculated as a percentage of salary (5 per cent - 6 per cent is common). Neither the contributions of the employer nor of the employee are liable to income tax if the scheme is one "approved" by the Manx Treasury. The decision whether or not to join a scheme rests with the employee.

134. Private sector schemes are usually set up under trust law, with scheme rules in the trust deed; public sector schemes are set up by statute, with the rules set out in regulations. Schemes set up under trust law are legally independent of employers: in practice the employer often nominates all or at least half of the trustees (he may be one, even the only one, himself). The trustees have a duty to act in the interest of scheme members. Remedies for breach of trust are dealt with through the courts. Changes to trustee requirements within the Pensions Act are not yet being introduced. The Island has only recently established an Insurance and Pensions Authority to regulate occupational pension schemes, and regulatory measures have not yet been finalized. Regulation will extend to personal pensions as well as occupational pensions.

135. Although there is no legal requirement for employers to set up schemes, if they do, they must meet DHSS legislative requirements that apply to all schemes, in particular to protect the security of benefits and to "preserve" the rights of scheme members who leave before pension age. Schemes' rules are also influenced to a large extent by a desire to satisfy the requirements of tax approval (which permits contributions and schemes investments to be tax exempt).

136. Personal pensions. Employees who are not covered by an employer's scheme and the self-employed can make personal retirement benefit arrangements by way of personal pension schemes. The distinctive nature of personal pensions (referred to as Appropriate Personal Pensions if they are used to contract out of the State Earnings Related Pension Scheme) is that they may be used to contract out of the State Earnings Related Pension Scheme or not. An individual's personal pension plan is funded in two ways:

In the case of Appropriate Personal Pensions, employee and employer pay full NIC's in the usual manner; the Department pays out the rebate element to the pension provider, together with an additional age related rebate;

Whether the scheme is an Appropriate Personal Pension or not, employees may make contributions from their own resources, as may the employer.

137. These flexible and portable personal pension arrangements offer individuals greater choice in providing for retirement. People can now "shop around" to find the package which is best suited to their needs and resources.

5. Widow's/widower's benefit

138. The Isle of Man scheme is contributory, with entitlement subject to the deceased partner's contribution record. A range of benefits is available, depending on age and whether there are dependent children:

Widow's Payment - a lump sum of £1,000 paid on the husband's death;

Widowed Mother's Allowance (WMA) - a weekly allowance, with increases for each dependent child, paid to a widowed mother from the date of the death of her husband;

Widow's Pension, a weekly pension paid to a widow without dependent children who is aged 45 but under 65 at either the date of her husband's death or when her WMA ceased. The pension is at the full standard rate if the widow was 55 or over at the relevant date, and at a rate reduced by 7 per cent for each year below age 55, down to age 45.

Widower's Payment - a lump sum of £1,000 paid on the wife's death, based on the Isle of Man contributions paid by the late wife and dependent on the widower being ordinarily resident in the Isle of Man.

Widowed Father's Allowance (WFA) - mirrors the WMA provisions, but based on the Isle of Man contributions paid by the late wife and dependent on the widower being ordinarily resident in the Isle of Man.

139. Widowed Mother's Allowance, Widowed Father's Allowance and Widow's Pension are payable at a reduced rate if the deceased partner only partially satisfied the contribution conditions.

140. National Insurance pensions paid to women widowed after retirement pension age and to women widowed before that age on attaining that age are considered as Retirement Pensions. In the event that a women receiving the wife's pension at 60 per cent of the full rate is bereaved, her pension is increased to the full single person rate. It is a requirement of the SERPS scheme, and all contracted-out occupational and personal pension schemes, that they provide widow's pensions.

Short-term sickness

141. Incapacity benefit (IB) is a contributory benefit to cover periods of incapacity. IB has short and long-term elements (see below).

142. Short-term Incapacity Benefit can be paid for the first 52 weeks of incapacity, with a lower rate payable for the first 28 weeks and a high rate payable after 28 weeks. It may be paid for up to 52 weeks past State retirement age if incapacity began before that point.

Long-term sickness, disabled people and carers

143. Long-term Incapacity Benefit is payable after 52 weeks of incapacity, or after 28 weeks to those who are terminally ill or in receipt of the highest rate care component of the Disability Living Allowance. It is paid at a rate higher than the short-term benefit. An age addition is payable if incapacity began before age 45. It is not payable past State pension age. An increase is payable for an adult dependant who is aged 60 or is caring for dependent children. Increases for children are available after 28 weeks of incapacity.

144. Periods of incapacity of up to 28 weeks may normally be certified by the claimant's own doctor. A medical test is applied after 28 weeks of incapacity, or from the start of the claim where the claimant has no regular job. The test involves the claimant, his own doctor and an official doctor in an assessment of the effects of the medical condition on the person's ability to carry out a range of work related activities. There are exemptions from the test, e.g. in the case of terminal illness or certain severe conditions and special arrangements apply in some other cases, e.g. mental illness. This "all work test" provides a clear objective assessment of incapacity and is intended to ensure that benefit is paid only to those genuinely incapable of work because of their medical condition. It applies throughout the social security system wherever a medical test of incapacity for all work is needed, e.g. claims for Severe Disablement Allowance (see below). National Insurance credits during incapacity, long-term sickness in income-related benefits.

145. Disability Living Allowance (DLA) is a non-contributory benefit intended to help people with extra costs incurred as a consequence of their severe physical or mental disability which begins before age 65. DLA usually becomes payable after three months' disability (immediately for some terminally ill people); there is no upper age limit for continuing receipt. There are two components:

> Care component (three rates): The highest rate is for people who need a lot of help both day and night, the middle rate is for those who need it either day or night. The lowest rate is for less severely disabled people who need some help during the day; or who would be unable to prepare a cooked main meal;
>
> Mobility component (two rates). This is subject to a lower age limit of five years. The higher rate of the mobility component is for people who are unable, or virtually unable, to walk or who are severely mentally impaired and have severe behavioural problems. The lower rate is for people who are able to walk but need guidance or supervision outdoors.

146. Decisions on DLA are based on a self-assessment questionnaire. Claimants are required to answer a series of questions about their mobility and/or care needs and to say how their disability affects their everyday life. Adjudication Officers decide claims on the basis of this information, with recourse to additional evidence or information if necessary. A few claims are referred for examination by a doctor, but this is not done as a matter of course (as was once the case). Claimants can opt for an examination if they wish. While the disabled person must show that he has a reasonable need for care, he does not have to prove that he actually receives it. Entitlement is not subject to means testing and payments are tax free.

147. Attendance Allowance (AA) fulfils a similar function to the care component of DLA for those whose claims begin at age 65 or over. The need for care must have existed for six months at the time of claim (except where life expectancy is less than six months, in which case this condition can be waived). There is a lower rate for those who need day or night care, and a higher rate for those who need both. As with DLA entitlement is not subject to means-testing and payments are tax-free. As with DLA, emphasis is on self-assessment.

148. Severe Disablement Allowance (SDA) is a tax-free benefit for people who have not been able to work for at least 28 weeks because of sickness or disablement and who do not meet the contribution conditions for Incapacity Benefit. People are assessed in accordance with the "all work" test as for Incapacity Benefit (see above), and those who become disabled at or after age 20 must be at least 80 per cent disabled. The amount of SDA payable depends on the person's age when he first became incapable of work. Increases for adult and child dependants can be paid.

149. Disability Working Allowance (DWA) is an income-related benefit intended to help disabled people - both with and without children - to return to or take up work. DWA is available to people who have a physical or mental disability which puts them at a disadvantage in getting a job, and who are receiving DLA, or have been receiving IB at the short-term higher or long-term rate, or receiving SDA. Recipients of DWA may qualify for other benefits.

150. Invalid Care Allowance (ICA) helps to maintain the income of those who give up the opportunity of full-time paid employment because they are needed at home for at least 35 hours each week to care for a severely disabled person who receives certain qualifying benefits (chiefly Attendance Allowance or the middle or higher care component in DLA). ICA is a maintenance allowance, not a payment for carer's services. Claimants must be aged between 16 and 65 at the date of claim, not in full-time education and not receiving more than a prescribed amount from paid employment. Claimants who paid full-rate contributions during employment can be credited with National Insurance contributions whilst receiving ICA.

151. Industrial Injuries Disablement Benefit (IIDB) payable to people who are disabled 90 days after an industrial accident or the onset of a prescribed disease. It can be paid in addition to contributory incapacity benefits. The IIDB scheme is based on loss of faculty, not on the effect of the ability to work. Assessment is based on the extent of loss of physical or mental faculty when compared to a normal healthy person of the same age and sex: there must be an assessed disablement of at least 14 per cent to quality. People assessed as 100 per cent disabled are automatically considered for a Constant Attendance Allowance and an Exceptionally Severe Disablement Allowance. These payments are made in addition to Disablement Benefit.

Benefits during pregnancy and childbirth

152. Maternity Allowance (MA) is payable for up to 18 weeks to any woman who has been employed or self-employed and has paid National Insurance contributions for at least 26 weeks in the 66 weeks before the week her baby is due. The rate of MA is the same as the higher rate Incapacity Benefit if the woman is employed in the fifteenth week before her baby is due, and slightly more than lower rate Incapacity Benefit if she is self-employed or has given up her job by then. Working women can start their maternity allowance at any time from the eleventh week before their expected date of confinement right up to the baby's birth. However, if they fall sick with a pregnancy related illness in the 6 weeks before the week the baby is due, their maternity allowance will start automatically.

Benefits for the unemployed

153. Jobseeker's Allowance (JSA) is a unified taxable benefit for unemployed people. It is designed to meet the needs of the unemployed until they return to work, providing advice alongside benefit payments, with the emphasis on ensuring that work is actively sought. There are two means of entry: a contributory route, with benefit paid for up to six months; and a means-tested route (generally only for people aged 18 or over), paid as long as needed. While the search for work continues. The means-test rules are similar to those for Supplementary Benefit (see below). In essence, the amount payable depends on the person's or his immediate family's income. Any children in the family are a factor. Savings or capital affect the amount payable, with no eligibility if savings or capital are over $15,000.

154. An unemployed person capable of, available for, and actively seeking work is normally entitled to contribution-based JSA if sufficient Class 1 (employed earner's) contributions have been paid in the two tax years before the calendar year in which the initial claim is made. Payment is made fortnightly in all but a few cases and corresponds with the requirement to attend the office at fortnightly intervals to make a written declaration as to entitlement. Contribution-based JSA can be paid for up to six months. Claimants with an occupational personal pension incur a reduction in their JSA of 10p for every 10p of pension over £50 a week. If a claimant works more than 16 hours in a week while generally unemployed, and or receives earnings in excess of specified limits, there is no entitlement for that week.

155. JSA includes single payments and payments for urgent needs, and claimants are also entitled to certain other benefits under the National Health Service, and free school meals. They may also qualify for Social Fund payments (see below).

156. Income-based JSA may qualify a recipient for other benefits (see below).

157. *The Jobseeker's Enhanced Allowance Scheme (JEA) provides for an additional weekly payment for up to 12 months, to those entitled, or treated as entitled, to contribution-based JSA where the spell of unemployment follows a period of at least two continuous years of qualifying employment. The qualifying employment need not have been undertaken with the same employer but it must have been employment in the Isle of Man. This Scheme also includes provision for an allowance to be payable in respect of a dependant partner, but subject to the partner's earnings.*

Family benefits

158. Child Benefit is paid for all children in a family under the age of 16 years (and up to the nineteenth birthday if the child is still in full-time non-advanced education). There are three rates, one for pre-school children, one for school children up to age 16, and the highest rate for children at school over 16 years of age. With few exceptions, benefit can be claimed by anyone who is responsible for a child whether or not he or she is the child's parent. In most cases the claimant is the child's mother, but where a married couple live together the benefit can be paid to the father.

159. Guardians Allowance is an additional payment to someone who is entitled to Child Benefit for an orphan who is taken into the family. Usually both of the child's parents must be dead but in limited circumstances the allowance can be paid where the child effectively becomes an orphan on the death of one parent (e.g. where the surviving parent is serving a long prison sentence).

160. Family Income Supplement (FIS) is a tax-free benefit for working families with or without children. To be eligible, the claimant (or partner, if there is one) must be working for at least 16 hours a week. It is payable to employed or self-employed people. The same rates of benefit are paid to one-parent families as for two-parent families. The amount payable depends on the family's income, how many children there are in the family, housing costs, and in the case of one parent families, child minding costs.

161. Where the net income of the family falls short of the prescribed amount, FIS is payable at 70 per cent of the shortfall. The prescribed amount falls into the following categories:

Married couples;

One child families;

Increases for each child after the first;

Amount for housing;

Increase for working 30 hours per week;

Allowance for housing costs.

"Net income" is after deduction of approved child minding costs in the case of one parent families. Once awarded, FIS is paid for a fixed period of between 4 and 12 weeks and the amount will stay the same during that period, even if earnings increase or other circumstances change. FIS may qualify a recipient for other benefits.

Supplementary benefit
(known as Income Support in the Isle of Man from April 2000)

162. Supplementary Benefit which is similar to Income Support in the United Kingdom, is a non-contributory benefit intended to help certain groups of people who are not required to register for work and who do not have enough money to live on. It covers the normal financial needs (requirements) of a person, his partner and his dependants by bringing his income (resources) up to a minimum level. The main recipients are people who are:

Aged 60 or over;

Unable to work through sickness or disability;

Required to stay at home to look after elderly, sick or disabled relatives;

Lone parents.

It is not payable to people required to register for work, for whom Jobseeker's Allowance is payable (see above).

163. When it is paid to someone over pensionable age it is called a supplementary pension; in other cases it is referred to as a supplementary allowance. It is calculated and usually paid on a weekly basis. In addition to providing a regular additional income for those who need it, the supplementary benefits scheme can also provide single payments to help meet certain exceptional, non-recurring items of expenditure.

164. The scheme can also provide what are called "urgent need payments" in certain cases of urgent need where there is no right to benefit under the normal rules. They may take the form of either a weekly or a lump sum payment. There is also provision to make single one-off payments for needs that occur irregularly in prescribed circumstances.

165. Other benefits are the National Health Service (NHS) low-income scheme and school meals. Families receiving Supplementary Benefit do not have to pay charges for NHS prescription medicines, dental treatment and sight tests. They also receive help with the costs of optical prescriptions, travel for hospital treatment and certain other medical items for which there is usually a charge.

166. Receipt of Supplementary Benefit brings entitlement to free milk for children aged under five and for expectant or nursing mothers, and free school meals for the children of the family.

The Social Fund

167. The Social Fund is a scheme to assist with the expenses of a new baby or with the cost of a funeral. Only people who are in receipt of Supplementary Benefit, Family Income Supplement, DWA or Income-based JSA may be eligible for the Maternity Payment or additional Funeral Payment. The payments are:

Maternity Payment;

Additional Funeral Payments for people who are responsible for funeral costs (recoverable from the estate of the deceased);

Universal flat rate lump sum Funeral Payment payable in respect of persons who were ordinarily resident in the Isle of Man prior to death.

168. In 1999/2000 the amount of the Gross National Product (GNP) spent on Social Security is estimated to be 12.85 per cent (based on the 1999 Central Planning Assumption for GNP), which compares to a figure of 13.17 per cent for 1989/90. The main factor in the slight apparent fall in the percentage spent on Social Security is felt to be the upturn in the Island's economy resulting in, amongst other things, very low levels of unemployment and the consequent reduction in payments to unemployed persons.

169. Figures relating to benefit claims in payment and annual budgets are detailed in respect of individual elements of social security at Appendix 3.

170. Private occupational pensions may be taken out by Isle of Man residents, and the relationship between private and State provision is outlined therein. Individuals in the Isle of Man may also take out private health insurance, but this does not affect their right to obtain treatment from the National Health Service.

171. The only qualification placed on the right to access to social security is the residential qualification attached to certain types of benefit. It is believed that all other groups within Isle of Man society have equal access to benefits, judged on a basis of need.

172. The legislation governing the awards of Supplementary Benefit, Income-related Jobseeker's Allowance and Family Income Supplement imposes residential qualifications. However, so far as Supplementary Benefit and Income-related Jobseeker's Allowance are concerned, regulations provide for exemption from having to satisfy those conditions if otherwise the denial of the benefit could be considered exceptionally harsh or oppressive. The residential qualification for Family Income Supplement is only six months.

173. The adjudication authorities, in determining whether exemption from the residential qualification can be granted, take into account the ability of a person to secure alternative resources either by his own efforts or from other sources. Claimants who do not fulfil the residential qualification have the right of appeal to an independent appeal tribunal. Pending determination of the appeal, urgent needs payments are made in all family cases, such payments being assessed at urgent needs rates.

174. It is worthy of note that in 1996/97, of a total of 1,637 Supplementary Benefits claims made during the year, only 43 (2.6 per cent) were disallowed due to residential qualifications not being satisfied. During 1997/98, the figures were 1,990 and 21 (1 per cent).

175. During 1998/99, the Department of Health and Social Security took two specific measures to assist those on low incomes. Support for low-income families in work was significantly increased by the introduction of an allowance for housing costs within the Family Income Supplement scheme. Immediately prior to the introduction of that housing allowance, about 450 families were receiving Family Income Supplement. Now there are about 200 more such families. The Department also adopted United Kingdom changes to National Insurance contributions, being phased in over three years from April 1998, which will eventually totally exempt earnings under £87 per week from contributions, with a corresponding increase for higher earners. To facilitate an integrated approach to further redistributing income in favour of those on low incomes, the Department has established a working party with the Income Tax Division of the Treasury.

176. Although the Island does not receive international assistance in the full realization of the rights enshrined in article 9, the Isle of Man benefits system, as mentioned above, closely follows that of the United Kingdom. The Isle of Man Government's Department of Health and Social Security (DHSS) therefore works closely with United Kingdom colleagues in certain areas, and the United Kingdom facilitates the negotiation of bilateral agreements relating to reciprocal arrangements concerning contributions, for example.

Article 10

177. The United Kingdom's ratification of the following Conventions has been extended to the Island, and the relevant reporting years are included in brackets.

International Covenant on Civil and Political Rights (1999, hearing in New York, March 2000);

Convention on the Rights of the Child (1999);

Convention on the Elimination of All Forms of Discrimination against Women (1999).

178. There is no settled definition in Manx law of the term "family". Furthermore, it could be argued that there is no settled definition of the term "family" in Isle of Man society, although it is generally accepted that the term might be applied to either "nuclear family", that is parents and their children (possibly within a two-parent or lone-parent family), or "extended family" including for example grandparents, aunts, uncles, cousins and the relatives of one's spouse or partner. It is true to say that as Manx society becomes increasingly heterogeneous the parameters of the term family will become increasingly fluid and, furthermore, as more children are born to couples outside of marriage, and a higher proportion of marriages break down, the "traditional" nuclear family is likely to become less common.

179. Section 1 of The Family Law Reform (Isle of Man) Act 1971 reduced the age of majority from 21 to 18.

180. The rights of men and women to enter freely into marriage are guaranteed by the Marriage Act 1984, which allows for men and women to marry, provided that they are not already married and that they are not wishing to marry someone to whom they are related within

"prohibited degrees", which are contained in the Schedule to the Act. Persons over 16 but under 18 years of age may marry with the consent of their parents. There are no restrictions under Manx law on those who wish to establish a family and it is not required that they be married in order to do so.

181. The Social Services Division of the Department of Health and Social Security is the lead agency in providing welfare services to children and their families. The Department accepts that in the majority of cases the family is the natural and best way to meet the needs of children living on the Island ensuring that they grow up into responsible adults. Where families are dysfunctional, the Department aims to provide services to help remedy the difficulties.

182. The Department contracts with National Children's Homes for the provision of an outreach service which works with young people with very difficult behaviour and aims to avoid them coming into care. This service can work with 40 young people and their families at any one time and is highly effective.

183. When young people have to come into care, the Department attempts to return them to their families as soon as possible. Where this is not possible, the Department attempts to plan for a permanent placement as soon as possible.

184. The great majority of people in care are placed with foster parents. It is believed that in most cases children who cannot live with their families develop better with a substitute family. Where children are placed in residential care, the Department has accepted the need to reduce the number of children accommodated in each unit to five. A further bedded unit has been completed to enable the majority of resident care to be provided in the five-bedded units. The Department also uses a number of single occupancy units where one (or two) young people are cared for in a house on a 24-hour basis by two staff at all times. This is usually when their behaviour is very difficult to manage in a residential unit.

185. The Department also provides up to eight respite care places for children with disabilities and, in addition, supports these young people while they live with their families. Such care is provided in a new purpose built unit in Ramsey.

186. Isle of Man laws in support and protection of the family as the natural and fundamental group unit of society follow those of the United Kingdom with regard to Social Security benefits.

Family protection

187. Child benefit. See paragraph 158 above. A higher rate of Child Benefit is paid for the first or only child where the claimant is a lone parent, subject to a number of qualifications; in particular, it is generally not payable to widows, who have their own higher-rated benefit. Weekly rates of the Child Benefit are as follows:

	April 1998	April 1999
Pre-school child	£12.90	£13.20
School child up to 16	£13.65	£13.95
School child over 16	£21.30	£21.80

188. Guardian's Allowance. See paragraph 159 above. Weekly rates of the Guardian's Allowance are as follows:

	April 1998	April 1999
Each child	£11.30	£11.35

189. Family Income Supplement. See paragraphs 160 and 161 above.

190. The prescribed amounts for FIS are as follows:

	April 1998	April 1999
Married couple (without children)	£157.90	£165.50
One child family (one or two parent family)	£164.70	£172.50
Increase for each additional child	£21.00	£22.10
30 hours per week addition	£10.60	£15.90
Maximum for housing	£47.90	£55.15

191. Widows/Widower's Benefit. See paragraphs 138 and 139 above. Entitlement is subject to the deceased partner's contribution record.

192. Maternity Allowance. See paragraph 152 above. The weekly rates of Maternity Allowance are as follows:

	April 1998	April 1999
Lower rate	£50.10	£51.70
Higher rate	£57.70	£59.55

193. It is felt that the rights elaborated above in paragraphs 180 and following are fully protected in the Isle of Man.

194. Details of provision for maternity allowance, family income supplement, child allowance, and other means by which the family, children and their mothers are supported are outlined under 4 (b) above, and in section 3 under article 9.

195. It is not thought that there are any groups within Isle of Man society who enjoy access to maternity protection, and other related benefits, to any significantly lesser degree than the majority.

196. The minimum age is currently 16 for full-time work, and is regulated by legislation. Part-time work is allowed from the age of 13 years and is also regulated by legislation for the number of hours worked and the types of employment allowed.

197. Legislation is in place to limit the hours of work of young people under school leaving age (16) to no more than two hours each school day and Sunday and five hours each Saturday or holiday, to a maximum of 25 hours per week. All young people are covered by this legislation.

198. There are regulations regarding the employment of young people under 18, notably in connection with the serving of alcohol, tobacco and petrol. There are also restrictions on work in gaming/entertainment establishments and in areas where machinery is used, such as factories and building sites. A list of prohibited employment is outlined in local Department of Education bye-laws.

199. It is not known how many children, and in which age groups, are engaged in paid employment.

200. It is also not known to what extent children are being employed in their families' households, farms or businesses.

201. The measures outlined above apply to all children and young people.

202. Over the past five years welfare services to children and their families have been significantly enhanced. In 1997, the Department developed a Children's Services Plan. The plan was felt to be necessary because of a number of factors, including a changing and increasing demand for services, new developments in research and thinking on the best ways of fulfilling statutory responsibilities and as a result of a childcare inquiry. The plan highlighted the resources necessary to meet the identified needs and recommended how they could be implemented over a five-year period. Significant increases in resources have been forthcoming since the plan was developed which have enhanced the services provided to children and families.

203. The services have been enhanced in the following ways:

(i) The number of social workers (for children and families) has increased from 12 in 1997/1998 to 19 in 1999/2000.

(ii) The social work teams have been restructured to provide a more focused service to children and their families creating:

(a) An intake team dealing with assessments and short-term care involvement;

(b) A long-term team who focus on supervising children in care and dealing with long-term cases;

(c) A referral team of specialist social workers who deal with challenging behaviour, mental health problems and abuse.

(iii) A clinical psychologist is also available to work with difficult and challenging young people.

(iv) The Department is seeking to employ a child psychologist who will work with children and young people who have or are thought to have mental health problems. The psychiatrist will also be supported by a small team of specialist nurses and social workers.

(v) The Department has widened the range of family centres available. The purpose of these centres is to work intensely with families at risk, particularly those abusing their children, helping families develop appropriate childcare, budgeting and household skills and seek appropriate ways of dealing with stress. The Department has, for some six years, funded such a centre in Ramsey, another centre has opened in Douglas, and it is proposed in 2000 to develop similar facilities in the south of the island. Family centres are supported by family aides who support families in their own homes and develop childcare, budgeting and housekeeping skills.

(vi) The health Division has also initiated a scheme whereby in one area of the Island, health visiting following the birth of a baby in the family concentrates on first-time parents and those felt to be most at risk. This is proving to be very successful. Very close working relationships exist between social workers working with children and families and health visitors.

(vii) The Department provides grants to support families with difficulties where day care is necessary to help resolve family difficulties.

(viii) Financial support is given to various organizations aimed at supporting the family. Relate provides marriage and psycho-sexual counselling. Crossroads provides care in families where there is disability and Young Carers provides help and support to young people who have to care for parents who are either ill or disabled.

(ix) For families experiencing severe problems with marital violence the Department funds a women's refuge where the mother and children can live in safety until the problems can be resolved.

(x) A close working relationship has developed with the Mental Health Services to ensure that where the parent or parents are experiencing mental health problems their children are adequately cared for.

(xi) A counselling service is also available to help people with emotional and psychological problems.

(xii) A new Children's Bill is due to be introduced into the Branches of Tynwald early in 2000. Although based upon the English Children's Act 1989, it has been redrafted to take account of messages learned from research and practice and local factors. The bill focuses on the importance of the family but accepts that the interests of young people are paramount.

204. In terms of child protection services, revised child protection procedures have recently been agreed. Close working practices can be seen in the way that child protection matters are handled by the social services, the police, and the education and primary health-care services.

205. The new Children's Bill contains an ouster order whereby a parent who is accused or found guilty of abuse can be required to leave the family home, thus keeping the rest of the family together and safe and avoiding the need to bring the children into care.

206. As with article 9, the Isle of Man does not receive international assistance in the full realization of the rights enshrined in article 10, but the United Kingdom Government provides assistance and advice.

Article 11

207. The Isle of Man enjoys a high standard of living and, although figures are not available for different groups within society, the GNP per capita, as a proportion of that of the United Kingdom, with which the Island is most readily compared, has increased from 75 per cent in 1986, to 91 per cent in 1991, and to 94 per cent in 1997.

208. The Isle of Man Government's Economic Affairs Division (of the Treasury) provides statistical information to the International Labour Office on the Retail Price Index, occupational wages, hours of work, etc.

209. The Isle of Man's GNP per head in 1997/98 was £10,989 per annum. A survey of household income from November 1995 to 1996 showed the lowest 40 per cent of households to have an average weekly income of £222.75 in comparison with the overall average of £465.09 per week. There is no "poverty line".

210. The Isle of Man Government does not produce a quality of life index.

211. In common with other developed western societies, Manx people have access to adequate food, and through a system of social security, outlined under article 9 above, those on low incomes or without income have access to the necessary funds to procure adequate food. The Isle of Man Government legislates to ensure that animals are kept in good health, are kept in appropriate conditions, are slaughtered in a proper manner, and that animals unfit for human consumption do not enter the human food chain. Similarly, crops and animal products are produced in a safe and efficient manner. There is provision made by Government to support the local agricultural industry by various means and these measures comply with EU guidelines on State aid. All such State aid is notified to the European Commission, through the United Kingdom. Agricultural produce which has entered the human chain, or food which is imported, is also controlled by Isle of Man Government food safety provisions.

212. There is no section of Manx society which is known to suffer from malnutrition.

213. Consumption and production of food in the Isle of Man are governed by market forces and, as such, all individuals have access to adequate food. The Isle of Man Government, as mentioned above (art. 9) supports those who are deemed to have insufficient private means

through a system of social security benefits and also through the provision of universal, free health care. If individuals had insufficient means to purchase adequate food, they would receive financial assistance, and if they were found to suffer from health problems relating to poor diet, they would receive free health care and advice in order that their problems might be addressed. The healthy development of children is monitored through a system of neo-natal visits and clinics, and through school medical inspections.

214. Production of food, as mentioned under 2 (a) above is supported by the Government through various schemes, but is also largely governed by the laws of supply and demand.

215. With regard to distribution and world trade, the Isle of Man is a very small country and, as such, has no internal distribution problems and also has little, or no, impact on world trading pattern. As mentioned above, the Isle of Man Government, within the limits of support afforded by the EU, attempts to protect its agricultural industry from the worst effects of fluctuations in prices and other effects of world market patterns.

216. The number of households in the Isle of Man increased from 27,316 in the 1991 Census to 29,377 in the 1996 Interim Census. The average household size decreased from 2.49 to 2.38 between 1991 and 1996.

217. The 1996 Interim Census shows that 25,293 private households lived in houses or bungalows and 4,080 occupied flats or maisonettes with a further 4 households in non-permanent structures. Type of tenure was not recorded in the 1996 Interim Census but the 1991 Census showed that 7,744 households were buying their property. 10,427 owned their property outright, 5,222 rented from either central government or local authorities, 3,325 rented from private landlords, 335 rented from their employers and 263 had other unspecified arrangements.

218. No homeless individuals were recorded in the 1996 Census but there is believed to be a small number (less than 10) who are intentionally homeless.

219. The most recent information is from the 1991 Census and shows that 120 households had neither a bath nor a shower, and 44 had no flush toilet.

220. There are not known to be any persons living in "illegal" settlements or housing.

221. It is not known how many people have been evicted within the last five years.

222. There is no government set limit of affordability, based upon ability to pay as a ratio of income. It is therefore not possible to say how many people are in such a situation.

223. There are presently some 1,250 persons on the public sector housing waiting list. However, some 15 per cent of those on that list are estimated to have included their names only as "insurance" against possible future housing need. The length of waiting varies according to priority and urgency, ranging from immediate allocation in the case of eviction of two to three years in non-urgent cases.

224. The latest figures for housing by tenure date from 1991, and were obtained under the full census. These figures reveal that out of a total of 27,316 households, 7,744 (28 per cent) were buying their houses (mortgage or loan), 10,427 (38 per cent) owned the property outright, 5,222 (19 per cent), were renting from Government or local authority, 3,325 (12 per cent) were renting from a private landlord, and 598 (2 per cent) were renting from their employer or had other arrangements.

225. The Housing Acts 1950 to 1990 establish the duty of the Government and local authorities to provide public sector housing and provide that persons may be included on the waiting list for that housing subject to a residential qualification as prescribed in the Housing (Miscellaneous Provisions) Act 1976 (which may be waived in appropriate circumstances).

226. The Town and Country Planning Acts 1934 to 1991 and associated all Island Sector and Local Development Plans with the addition of the new Town and Country Planning Act 1999 make provision for planning and zoning of land within the Island.

227. The Landlord and Tenants Acts 1954 to 1976 gives the courts powers to defer evictions at their discretion. In addition, the House Modernisation and Repair Scheme 1997 allows leaseholders with more than seven years remaining on their leases to apply for financial assistance towards repairs.

228. The Housing (Rent Control) Acts gives tenants powers to appeal to the Rent and Ratings Tribunal to set a fair rent.

229. The Building Control Act 1991 and Building Regulations 1993 (based on the United Kingdom Building Regulations) will soon be amended by the Building Regulations 2000.

230. There are no restrictions on who can purchase property on the Island. The Housing Acts lay down the 10-year residential qualification for public sector housing but with a discretion to waive this in appropriate circumstances, for example for urgent housing needs. The work permit denies non Manx residents rights to housing benefits.

231. There is no legislation prohibiting any form of eviction.

232. There is no legislative repeal or reform of existing laws which detracts from the fulfilment of the right to housing.

233. There is no legislation which restricts the practice of speculation on housing or property.

234. There are no legislative measures conferring legal title to those living in the "illegal" sector.

235. Legislation concerning environmental planning in housing is contained in the Housing Acts 1950 to 1990, and Regulations, and The Housing (Flats) Regulation 1982. There is further provision made under the Public Health Act 1990, as amended by the Public Health (Amendment) Act 1999 and the Isle of Man Development Plan Order 1982 (as amended).

236. The Housing (Miscellaneous Provisions) Act 1976 allows the operation of housing associations and for government financial support for those associations. Three such associations presently operate. The Government provides financial assistance and/or makes land available to developers to encourage the provision of low-cost housing for first-time buyers and operate the House Purchase Assistance Scheme 1999. The House Purchase Assistance Scheme 1999 provides assistance for applicants in receipt of approved income between £18,000 and £22,000 by way of the maximum grant of £15,000 towards the house purchase.

237. The Public Sector House Building Programme currently runs at 400 units per annum.

238. The Government has a policy of acquiring suitable land for a land-bank which can be released for public/private housing as required. Furthermore, the Island's land is being zoned for various uses under the Island's Development Plan.

239. The Department of Local Government and the Environment administers, maintains or funds by deficiency grant, 4,812 public housing units and 562 sheltered housing units. The Department's annual deficit in all public housing for 1999/2000 is estimated at £3.05 million.

240. The Isle of Man does not receive international assistance for housing and human settlements.

241. The Government's housing programme includes the provision of small housing developments in village and other rural areas.

242. There have not been any instances where government policy has required protection to be given to individuals from eviction or required them to be re-housed.

243. During the reporting period, there have not been any government policies which have negatively affected the right to housing in the Island.

244. The situation with regard to housing on the Island has been described above.

245. The Isle of Man Government does not receive international assistance in the full realization of the rights enshrined in article 11.

Article 12

246. It is felt that the Isle of Man enjoys and has enjoyed over time roughly the same health characteristics as neighbouring regions of the United Kingdom, namely north-west England, southern Scotland and Northern Ireland, and health programmes are tailored to meet the requirements of such a population, whose health problems reflect those of a modern, western, industrialized society.

247. Amongst the high priorities of the Isle of Man Government's Department of Health and Social Security is:

> "The maintenance and, where necessary, the improvement of the physical and mental health of the people of the Island through prevention and treatment of illness, disease and disability on the basis of equality of access to services in accordance with clinical need."

To provide better means of measuring the attainment of this objective, significant progress has been made towards the provision of state-of-the-art information services for users across the Health, Social Services and Social Security Divisions of DHSS. This project is known as the Strategic Information Project. When fully implemented, the proposals will be far ahead of anything available in the United Kingdom. The emphasis of the project is upon communications and sharing of clinical information between authorized users, where this would be appropriate. Such an environment would not only greatly improve communication within, say, the hospital environment, but also between hospital, primary care and other elements of the service. In this way, it will also facilitate developments such as shared care in appropriate clinical conditions, clinical audit and clinical governance.

248. Clearly, great care needs to be taken to ensure that confidentiality of sensitive personal information is assured in all circumstances and that exchange of information will only take place where appropriate and where the holders of that information have expressly permitted it. Discussions have already commenced with the Data Protection Registrar to ensure that the proposed system complies in every respect with this legislation.

249. A number of working groups have been set up to permit users of the system to define their needs in such a system - in other words, the specification for the system will be determined in a "bottom up" manner and will not be imposed from above.

250. Initially, the project will simply support existing information systems, and users of such systems would continue to use their systems exactly as before. Over a period of time, new facilities will be added at a rate which is not only affordable, but which can also be absorbed by users with the appropriate training and support. Some of the first facilities available will be the transmission of laboratory results direct to hospital and general practitioner (GP) users, and the provision of a diabetic register: these should occur around the end of 2000. The system is also capable of forming the basis of a new modular patient administration system for Noble's Hospital, which can then move smoothly to the New Hospital in due course. The entire project is likely to take from three to five years to complete. A suitable supplier has been identified and detailed work commenced early in spring 2000.

251. The Isle of Man has a National Health Service providing a comprehensive range of health services, which are free at the point of access and financed by general government revenue. It is almost identical to that of the United Kingdom. It includes a primary health-care service, where there is free and universal access to a qualified medical practitioner at the first point of contact. Secondary care services are offered on the Island, and acute and long-stay services are roughly comparable with those of a district general hospital in the United Kingdom. A new hospital is being built in the Isle of Man and there is, therefore, considerable ongoing investment in the

facilities for health care provided for Isle of Man residents. Specialized (tertiary) services are mostly obtained from the United Kingdom. The increase in "shared care" should also lead to an improvement in the delivery of coordinated primary and secondary health care.

252. Mental health services are becoming increasingly community based, but an inpatient mental health care unit is also provided. The mental health of the community is managed in close partnership with the Social Services Division of the DHSS in order to provide comprehensive and appropriate support of individuals within the community.

253. Bringing greater strategic purpose to the extensive programmes of health and social care is a current priority being addressed on two fronts. First, the health impact of government policy in the widest sense is being examined, embracing the fundamental determinants of good health, such as a clean and safe environment, good housing and education and the avoidance of material deprivation - to name but a few.

254. Second, comprehensive strategies are being prepared for the NHS for dealing at a more detailed level with major health issues, for example, heart disease and stroke, cancer, mental health, accidents and oral health. This process is aimed at producing a manageable number of priorities in areas of greatest importance upon which firm evidence of effectiveness can, so far as possible, be produced.

255. The Isle of Man Government's expenditure on the health services stood at £74,224,355 for the 1999/2000 financial year, representing 8.17 per cent of GNP (based on the 1999/2000 estimate for GNP of £908,417,700 taken from the Central Planning Assumptions).

256. Primary health-care expenditure was £24,843,205 in 1999/2000, which represented 33.47 per cent of expenditure on health services.

257. In 1994/1995 GNP was £608,529,000 and health services expenditure was £52,969,640, or 8.7 per cent of GNP. Expenditure on Primary Health Care stood at £16,490,476, which was 31.13 per cent of Health Services Expenditure. In 1989/1990, GNP was £450,791,000, and health services expenditure totalled £33,368,656, which was 7.4 per cent of GNP. Expenditure on primary health care stood at £9,910,516, which represented 29.7 per cent of health services expenditure.

258. The latest figures available show that perinatal mortality in the Isle of Man was 6.3/1000 for total births (live and still births) for the year 1997. It is felt, however, that in a small population such as that of the Isle of Man, such crude rates are not entirely reliable indicators, and that small fluctuations in numbers might result in large fluctuations in the rate.

259. In 1991, out of a total number of 27,013 households, the number of households which did not have the use of a bath or shower was 120. No urban/rural split is available for these figures.

260. In 1991, out of a total of 27,013 households, 44 had no flush toilet. No urban/rural split is available for these figures, although all urban properties are provided with access to mains water and sewage facilities.

261. Immunization against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis is available free of charge to all infants on the Island, through the National Health System. However, parents retain the right to decline to have their children vaccinated.

262. Figures for 1996 show that life expectancy at birth in the Isle of Man was 73.62 for men, and 79.92 for women, compared with the respective figures of 71.47 and 79.92 for 1991.

263. There is universal access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs, within one hour's walk or travel.

264. The proportion of women having access to trained personnel during pregnancy is 100 per cent. It is not known what proportion is attended for delivery, but it is assumed to be 100 per cent as women are either delivered of their children in hospital, attended by qualified staff, or at home, with staff available to attend.

265. The proportion of infants having access to trained personnel for care is 100 per cent.

266. There is little reliable data which can be used to suggest that there is any one section of society which is particularly disadvantaged. It is hoped that with the production of more reliable information under the Strategic Information Project, government policy can be more effectively targeted at those in need.

267. It is not thought that there have been any government policies which might have negatively affected the health of any particular group within society.

268. As mentioned above, special programmes will be more effectively targeted to improving the physical and mental health of vulnerable and disadvantaged groups, once such groups have been identified and their needs assessed.

269. Water and air are regularly monitored, the former for bacterial and chemical quality, and the latter for a range of environmental pollutants, including particulates, oxides of nitrogen, sulphur dioxide, ozone and carbon monoxide.

270. There is a full surveillance system in place to identify and deal with outbreaks of communicable disease and there are contingency plans to deal with such incidents, operated by a partnership of six government departments, under the overall control of the Chief Administrative Medical Officer/Director of Public Health.

271. As mentioned under 2 above, medical service and medical attention in the event of sickness is available, free of charge, for the whole population.

272. There is no information available on the situation with regard to specific groups in respect of the issues identified in paragraphs 267 to 271 above.

273. The Government's policy is to provide health-care services on the basis of equality of access in accordance with clinical need. This policy does not recognize boundaries of age.

274. The community has the opportunity to participate in the planning, organization, operation and control of all aspects of the National Health Service through its elected representatives in the island's Parliament (each constituency of which has a total population of about 3,000). In addition, the organizational framework of the National Health Service comprises a number of specialist committees with membership drawn, inter alia, from professional groups and lay persons.

275. The Health Promotion Service of the Health Services Division of the DHSS exists to facilitate the promotion of health issues within the community at large, as well as working with schools to promote awareness of health issues within schools. The Director of Public Health is currently engaged in the restructuring of this service.

276. The Isle of Man does not receive international (from outside the United Kingdom) assistance in the full realization of rights enshrined in article 12, but it is hoped that through the development of the Strategic Information Project (see paras. 247-250 above) there will be opportunity for closer cooperation with authorities in England, Scotland and Northern Ireland, and subsequent opportunity for "peer review" in health areas.

Article 13

The right to education

277. As outlined in the third periodic report, the Isle of Man Government provides free and compulsory primary school education for all, from the age of 5. Education is compulsory on the Isle of Man for all children in the 5 to 16 years age range. Not only is the Department of Education obliged by virtue of section 34 of the 1949 Education Act to provide, free of charge, education suited to the age, ability and aptitude of all children on the island who are presented for education, but section 66 of the same Act imposes a duty on parents to cause their children to receive efficient, suitable full-time education by attendance at school or otherwise.

278. The Department currently operates 35 primary schools on the island, and at the beginning of the 1999/2000 academic year, there were 1,930 children under the age of 6, and 4,628 aged 6 to 10 registered at the island's primary schools. This represents an increase in the two categories of 13 and 12 per cent respectively since the beginning of the 1994/95 academic year.

279. With regard to nursery education, section 34.2 (b) of the Education Act requires the Department in particular to have regard to the need for securing that provision is made for pupils who have not attained the age of 5 years by the provision of nursery classes in schools, four of which are now provided. Although there is no provision to give all children between the ages of 2 and 5 years some form of nursery education, there is some provision for children with special education needs to attend nursery schools before they attain compulsory school age. Furthermore, all children are allowed to attend school from the start of the academic year in which they attain their fifth birthday and accordingly there will be a large number of children in schools on the island who have not attained compulsory school age.

280. Secondary school education, including technical and vocational secondary education is generally available and accessible to all. Secondary education is free of charge. Education in

the age range 11 to 16 is provided by the island's secondary schools, with the schools and Isle of Man College collaborating to provide a full range of academic and vocational courses for students aged 16 to 19 years. There has been a significant increase in the range and number of General National Vocational Courses offered by the Isle of Man College in the five-year period since 1995. The number of students in full-time secondary education at secondary school has increased from 4,559 during the 1994/95 academic year to 5,005 during the 1999/2000 academic year.

281. The Isle of Man College also provides free access to secondary education, and attendance at the College on full-time, day release and vocational courses has increased from 3,993 (1994/95) to 5,595 (1998/99).

282. With regard to further education, section 71 of the 1949 Education Act imposes a general duty on the Department of Education with respect to further education. Specifically it shall be the duty of the Department to secure the provision of adequate facilities for further education in the form of:

(a) Full- and part-time education for persons over compulsory school age; and

(b) Leisure time occupation for such organized, cultural, training and recreational activities as are suited to their requirements for any persons over compulsory school age who are able and willing to profit by the facilities provided for that purpose.

283. In accordance with this, the Department of Education provides access to further education in the following manner:

(i) Access to institutions of further education and higher education on a full-time basis as calculated on merit and tested suitability to participate, without discrimination as to race, sex or creed;

(ii) Day release courses are provided for certain categories of young people in skilled trades or crafts;

(iii) Non-vocational adult education classes are provided in a whole range of subjects, according to demand. For this the students are charged a fee as a contribution to the cost of the course;

(iv) Liverpool University provides an extramural service for the Isle of Man. Participating students make a contribution towards the cost.

284. The Open University provides access to higher education, on a part-time basis, to the local community. The Department supports this initiative by providing teaching facilities at the Isle of Man College for the courses offered by the University at undergraduate and postgraduate levels. Students also have access to the College's library. The Department has established links with Liverpool University and the Isle of Man College has affiliated college status offering a number of courses on the island which, until recently, had necessitated full-time study off-island.

285. As with all other branches of education in the Isle of Man, there is no aspect of further education which is influenced by circumstances of race or other forms of prejudice. Where further education courses cannot be provided on the island, the Department of Education will pay fees and subsistence grants to students to enable them to attend such courses elsewhere in the British Isles. Subsistence given to students is in the form of grants and convertible loans. A copy of the Manx Regulations is available for consultation in the archives of the Secretariat.

286. For those individuals who, for whatever reason, have not completed their fundamental education, provision is made through the education system to cater to their needs, if they are of school age. For those over school age, the Department of Education runs a free, all-island, adult literacy scheme. The scheme is run by five part-time coordinators, who are trained in adult literacy programme delivery to City and Guilds standard 9281. The delivery is on a (virtually) one to one basis by volunteer tutors, who are also given initial training in adult literacy delivery. Furthermore, there is one adult numeracy scheme, which is based in Douglas, and offered as an adult evening class. The schemes are run on an "open door" basis, and students will often attend on an irregular, or sessional basis, depending on what they assess their own needs to be. That is to say, there are no figures for enrolment on an annual basis, although attendance at each session is typically 15 to 20 people, with a ratio of roughly 2:1, women to men. In order to avoid any stigma, the literacy scheme sessions are advertised as "Improve your English" locally.

287. The right to education is fully realized in the Isle of Man.

288. Enrolment in primary and secondary education is outlined in paragraphs 277 and 280 above, and adult literacy in paragraph 286. With regard to enrolment in adult and continuing education, figures for 1998/99 show that total attendance at the Isle of Man College was 13,140, with 5,595 attending full-time, day release and vocational courses, and 7,401 attending non-vocational afternoon and evening classes. A further 144 attended linked and sampler courses. For the same year, 1,117 students received grants for study either on or off the island, and this broke down into 895 for students taking courses leading to a degree or higher national diploma, 169 taking courses leading to awards other than a degree or higher national diploma and 53 taking courses leading to a teaching certificate. Information on drop-out levels and graduation is not available.

289. Out of total government spending of £286.6 million for 1999/2000, £53.7 million was allocated to the Department of Education, representing 18.7 per cent of the total figure. The system of schools is outlined in paragraphs 277 to 281 above, and comprises, currently, 35 primary schools and 5 secondary schools, with further provision for secondary education being made by the Isle of Man College. Two new primary schools have been built in the Isle of Man since 1995 and there has been a great deal of work carried out in modernizing and extending existing schools. There are currently eight extension projects ongoing.

290. Due to the Isle of Man's size, students in the Isle of Man are never likely to live more than 10 to 15 kilometres away from the nearest school and in most cases the distance will be significantly less. Each school has its own distinct geographical catchment area. From 1 May 2000 all children in full-time education were granted free bus travel and this extended to those in full-time education at the Isle of Man College. Children with special needs

are provided with free taxis to and from school, when this is required. For those children who travel to school on foot, assistance is provided at busy road crossings by road crossing officers, employed by the Department of Transport.

291. Furthermore, a comprehensive School Meals Service provides a cooked midday meal for all children who, for whatever reason, are unable to return home during the midday break. The meal is provided free of charge to children of parents who cannot afford to pay and in this respect an assessment of income forms the criteria. A copy of the relevant regulations providing free school meals was enclosed with the previous report.

292. Schooling schedules correspond with those followed in the United Kingdom, with most schools commencing between 8.45 a.m. and 9 a.m. and finishing at 3.30 p.m., in the case of primary, and 4 p.m. in the case of secondary schools. Breaks are provided mid-morning and mid-afternoon, and there is a midday break also. Isle of Man schools also follow practice in the United Kingdom with regard to holidays. There are three terms, with a long summer break, breaks at Christmas and Easter, and half-term breaks also.

293. There are currently 3,262 girls and 3,364 boys in primary education (autumn 1999), and 2,488 girls and 2,526 boys in secondary education (at July 2000). A breakdown is not available for further education. As indicated in the Isle of Man's submission under the Convention on the Elimination of All Forms of Discrimination against Women, in 1999 1,190 students (575 male and 615 female) received grants from the Department of Education, 943 of them (470 male and 473 female) in respect of degree courses at universities in the United Kingdom. As indicated in paragraph 286 above, figures for literacy are not available, but numbers availing themselves of the free adult literacy classes are generally in the order of 15 to 20 with a ratio of women to men of two to one.

294. The 1949 Education Act imposes on the Department of Education a duty to provide efficient education for all children without the power to discriminate. To ensure that this is a practical proposition for all, the Department provides additional facilities for:

(a) Young children educationally at risk; and

(b) Children of school age who have an insufficient command of the English language to enable them to benefit from full-time education.

295. Section 34 (2) e of the Education Act, 1949, imposes a duty on the Department of Education to have regard to the need for securing that provision is made for pupils who suffer from any disability of mind or body by providing, either in special schools or otherwise, special education treatment, that is to say, education by special methods appropriate for persons suffering from this disability. There is a further duty on the Department under section 34 (2) d, to have regard to the expediency of securing the provision of boarding accommodation, either in boarding schools or otherwise, for pupils for whom education as boarders is considered by their parents and by the Department to be desirable. The Department runs one special school for the mentally handicapped on the island. In appropriate cases, children are also sent to residential schools in England. The policy of the Department is, however, that children with special education needs are integrated into ordinary schools. The Department has also developed a

system where mentally and physically handicapped children are educated in units attached to ordinary schools. Four of the Department's five secondary schools have such units and there are a further eight attached to selected primary schools. A special facility has also been established at the Isle of Man College in recognition of the need to integrate young people with special educational needs into the community at large.

296. The Department also has a special unit attached to a primary school for children with sensory impairments. Children of secondary school age who suffer from these disabilities are catered for by a secondary school unit. In the few cases where education cannot be supplied effectively on the island, owing to the degree of the handicap of a child, the Department secures placements in residential schools in England. All education for children with special needs is provided free of charge to the parent.

297. The Youth and Community Service, in conjunction with the Prince's Trust runs what is known at the Buzz Bus, which provides education to children in rural areas on issues such as drugs and parenting, as well as promoting literacy. Further assistance is given in schools to those who have problems with literacy, and extra literacy classes are provided for those who need them.

298. Equal access is granted to primary and secondary education on the island and all such education is both free of charge and compulsory. Further education is also provided by the Isle of Man Government and all course fees are paid for, as well as a maintenance grant being offered, on a sliding scale. Grants are also available for study at the Isle of Man College, as well as scholarships to the independent school on the island. Bursaries are available for certain students in cases of financial hardship.

299. Although not classed as the "mother tongue", Manx Gaelic is made available as an option for study for all of the island's schoolchildren, and a "total immersion learning" centre has been opened recently for the French language, at a refurbished former primary school in Marown.

300. Conditions of service have been agreed between the Department of Education and the Teachers' Unions and are given to each teacher on appointment. They are the same as those which apply in the United Kingdom, as local teachers are represented in the island by the main United Kingdom teaching unions. In general, the teacher to pupil ratio is kept at a lower level than in the United Kingdom. Pay of teaching staff is generally higher than that of civil servants of an equivalent grade.

301. Parents have freedom of choice of school, so long as this freedom does not incur unreasonable expenditure by the Department. Parents are free to have their children attend independent schools in preference to schools maintained and provided by the Department of Education. In the latter case they will be required to pay a fee to those independent schools. There is no restriction in the Isle of Man on the right of individuals or associations to establish independent schools. There is one independent primary school and one independent secondary school, compared with 35 primary and 5 secondary State schools.

302. Section 35.3 of the 1949 Education Act imposes a duty on the Department of Education to support and maintain the continuance of voluntary schools which were in existence

immediately before the 1949 Education Act came into effect and, in this respect, there exist two voluntary aided primary schools, one of which services the special needs of the Roman Catholic community and the other being a Church of England school.

303. The Isle of Man Government endeavours to continue to improve the quality of its delivery of education to all sections of the community within the island. It is not thought that any changes in the Isle of Man Government's national polices, law and practices have negatively affected the right to education.

304. The Isle of Man Government is able to call upon the United Kingdom Government and non-governmental bodies for assistance and guidance in the delivery of effective education in the Isle of Man. For example, Isle of Man students sit examinations set by United Kingdom examining boards, and school inspections are carried out by United Kingdom inspection teams, at the request of the Department of Education.

Article 14

305. This article is not relevant to the Isle of Man, since compulsory and free primary education is currently enjoyed by all. Provisions relating to education are covered under article 13 above.

Article 15

306. There are no restrictions which limit the rights of all people in the island to take part in the cultural life which they consider pertinent and to manifest their own culture.

307. The promotion of cultural development and popular participation in cultural life is encouraged and supported by various elements of government and, at a very broad level, the following government departments have a degree of interest in this area:

Department of Education - there are very specific initiatives concerned with the Manx language, for instance those outlined under article 13 above, but many aspects of the school and higher education curricula, e.g. history, geography, music, drama, literature and personal and social education, are heavily influenced by Manx heritage and culture, as well as other cultures;

Department of Tourism and Leisure - the Department owns and operates the Gaiety Theatre and much of the island's antique transport system. On a wider front, a significant part of the island's tourist produce is its culture and heritage;

Department of Local Government and the Environment - the Department owns a number of buildings which are historically important and is, through its responsibility for planning, for conservation areas and registered buildings involved with the island's built heritage. Ownership of the Villa Marina (an entertainment complex and public gardens) has recently been transferred to the Department;

Department of Agriculture, Fisheries and Forestry - the Department is responsible for the Wildlife Act and much of the island's rural environment.

308. Apart from the general responsibilities of these departments, a number of other bodies, appointed under statute or by Tynwald resolution, have as one of their purposes the protection and promotion of culture and/or heritage. In very broad terms, the roles of the four such bodies may be said to be:

Manx Museum and National Trust (Manx National Heritage) - the safeguarding and promotion of the island's physical and recorded heritage and to provide a National Trust function;

Arts Council - the promotion and presentation of the arts (not necessarily Manx);

Manx Heritage Foundation - the promotion and preservation of the island's heritage;

Gaelic Broadcasting grant (administered by the Communications Commission) - to promote and advise on the radio broadcasting of Manx Gaelic.

309. Although the "cultural element" of the funding for the departments mentioned above cannot be separated out, funding for Manx National Heritage stands at £4,080,000 for 2000/2001, the Manx Heritage Foundation received £137,750 for 1999/2000, the grant to the Communications Commission in respect of Gaelic Broadcasting was £1,600 for 1999/2000 and the Arts Council received £307,000 in 1999/2000. The Arts Council also stands to receive extra funding resulting from the tax receipts from the introduction of the United Kingdom National Lottery to the island. This is likely to be a significant sum and will be shared equally with the Sports Council on the island, once £200,000 has been allocated to the Public Lottery Trust (any receipts over £400,000 will be divided equally between the three organizations).

310. Most of the budget allocated to the Arts Council and the Manx Heritage Foundation, as well as some of that of Manx National Heritage is devoted to funding artistic and cultural works and events in the island, either wholly, or more often, in partnership with the private sector/private sponsors.

311. Manx National Heritage is responsible under statute for, amongst other things, administering the Manx Museum as a public museum, library and art gallery, and for the preservation and presentation of ancient monuments and the interpretation of those monuments. The Museum and various important historical sites and interpretative centres throughout the island form the component parts of a whole culture and heritage "package", known as the "Story of Mann".

312. Libraries are to be found throughout the island, in towns and villages, under the administration of local authorities, and there is a mobile library provided by central government for rural areas and smaller villages. The Isle of Man College Library, situated in Douglas, is open to those engaged in part-time and full-time education at the College, and the Library at the Manx Museum is open to all for research and study.

313. As mentioned above, the Department of Tourism and Leisure maintains and operates the Gaiety Theatre. Furthermore, the management of the Villa Marina, which is an entertainment venue with a large auditorium for musical presentations, has recently been transferred to the Department of Tourism and leisure following its acquisition by the Isle of Man Government.

314. There are two cinemas in the Isle of Man, one of which is run by the private sector and one which is within the Summerland complex, which is run by the Department of Tourism and Leisure. The Arts Council promotes a series of artistic/less commercial films and these are screened at the private sector cinema.

315. Traditional arts and crafts are presented at the island's National Folk Museum at Cregneash, a traditional Manx village conserved in close to its original state that is now used for the interpretation of the crofting (small-scale farming) element of the history of the island, along with the demonstration of traditional arts and crafts, and traditional farming methods. Further properties in the village are currently being restored and are to be tenanted to people who are actively contributing to the Cregneash living museum setting.

316. The provision made for the promotion of awareness and enjoyment of the cultural heritage of the Isle of Man is outlined in paragraphs 317 to 323 below. Within schools, as mentioned above, children are educated as to other world cultures and local cultural eve its often feature performers from other regions and cultures. Indeed, the Isle of Man participates in inter-island and pan-Celtic cultural and sporting events which promote mutual understanding and appreciation of other cultures.

317. Manx National Heritage exists independently by statute to preserve, promote and communicate the unique qualities of the Manx natural and cultural heritage on behalf of the Manx community. Article 2 of its policy statement states that Manx National Heritage will provide "a platform for national pride and concern for the island's heritage which is actively promoted to the island's educational community at all levels in a positive and enriching way".

318. It achieves this aim through its education service which provides a free cultural and heritage service at all of its nine heritage sites for all Manx students in full-time education, linked closely to the Isle of Man Department of Education's curriculum provision. Its Education Officer works with the Isle of Man Department of Education to provide a national curriculum for schools which emphasizes aspects of Manx culture and language.

319. The Manx National Heritage Education Service provides a learning programme which has seen some 8,680 Manx school visits to its sites during 1999, of which 5,397 were led by its own staff, this from a school population (aged 4-18) of some 11,563 as at September 1999. It has also produced, both independently and in liaison with the Manx Heritage Foundation, printed educational materials relating to the cultural and natural history of the Isle of Man which have been distributed to all Manx educational establishments.

320. Through the Centre for Manx Studies, in which Manx National Heritage, the University of Liverpool and Isle of Man Department of Education are partners, opportunities are provided for postgraduate study of many aspects of Manx culture and heritage, including natural sciences, social and linguistic studies.

321. Community awareness and involvement in the culture and heritage of the Isle of Man are supported by a continuous programme of events including exhibitions, lectures, concerts and site events involving the participation of many sectors of the Manx community, from farming and environmental groups to arts and language groups.

322. Manx National Heritage has, through the establishment of a new three-year post in 1997 for Manx language development, in conjunction with the Manx Heritage Foundation, helped to ensure the protection and promotion of the minority Gaelic language of the Isle of Man.

323. Manx National Heritage has also built up an international reputation for its "Story of Mann" integrated presentation of the island's natural and cultural heritage, which has resulted in a revived interest in the island within the previously declining tourism sector, and a European wide interest among heritage specialists in visiting the island to learn of its heritage presentation strategies and successful promotion of cultural identity.

324. The media in the Isle of Man are able, due to the small size of the island, to effectively promote participation in cultural events in the island through news coverage, and advertisements. There is a free weekly newspaper, which is delivered to most of the households on the island.

325. As mentioned above, preservation of mankind's cultural heritage is promoted by various government departments and agencies, and the United Kingdom's ratification of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage was extended to the island in 1984 at the request of the Isle of Man Government. There are also many societies and associations in the island which promote participation in cultural life through mutual appreciation of arts, language, history and music.

326. There are no restrictions placed on the freedom of artistic creation and performance, including the freedom to disseminate the results of such activities, providing it does not offend public morals.

327. Professional education in the field of culture and art is provided through the education system, which is outlined under article 13 above, and also through Manx National Heritage's education programmes aimed at schools and adults, which are run in conjunction with the Department and are outlined in paragraph 317 and following. An art foundation course and adult recreational classes are available through the Isle of Man College and art and music classes are included in the school curricula. Furthermore, the Arts Council can provide funding in this area.

328. Provision for the furtherance of understanding and participation in cultural life in the Isle of Man has seen significant public, as well as government, support. The extent of the public interest is perhaps best illustrated by the fact that visitor numbers to "Story of Mann" sites totalled over 374,000 during 1998 and that "The Friends of Manx National Heritage" is the largest supporting charitable organization on the island, with membership now standing at 4,872.

329. The Centre for Manx Studies has been set up in combination with Manx National Heritage, the Department of Education and the University of Liverpool, and has provided an opportunity for the Isle of Man to make a major statement of its own cultural identity through the research and publication of a new "History of Mann". This new five-volume work will be the

first full reappraisal of the island's history since 1900. The establishment of the centre has also allowed for the establishment of a postgraduate qualification in Manx Studies. This is the first time in the island's educational history that Manx students have been able to study Manx history to this level in their own country.

330. No legislative or other measures have been taken to realize the right of everyone to enjoy the benefits of scientific progress, but the Manx society provides an atmosphere in which people can pursue their education, business interests, scientific research or personal interests free from any form of restriction, so long as to do so does not harm any other individual or society as a whole.

331. As outlined in paragraphs 307 and 308 above, the preservation and promotion of the island's natural heritage is covered by various government departments and other agencies, and scientific advances in this field will be monitored and implemented by the various professionals who work within these organizations. Likewise, professionals in the Department of Health and Social Security and the Department of Local Government and the Environment involved in the preservation of a healthy and pure environment are similarly kept up to date in their training and professional standards. It is felt that the advantages which accrue from such advances in current theory and practice are passed on to the public through the provision of modern services by the various government departments and agencies involved. For example, the new hospital development is taking into account the latest design principles and standards in health-care delivery to ensure that acute and long-term health-care provision on the island meets current standards of excellence.

332. The Isle of Man Government is committed to supporting and encouraging the growth of e-commerce and access to information communication technology (ICT) in the island and it recognizes that availability of access to training and education in these fields is vital. To this end, the Government has committed £500,000 during the current financial year (2000/01) and £750,000 for the 2001/02 financial year to the promotion of electronic communication and commerce and the use of the World Wide Web. Training on the latest developments in electronic communications is being provided through government initiatives in schools, the Isle of Man College, the Training Centre and for local businesses. Once access is gained to the Internet, communication and access to information on the latest developments in science, and indeed all areas of human interest, become more freely available.

333. An E-Commerce Director post is to be created to take lead responsibility for all aspects of developing, promoting and implementing an e-commerce strategy for the Isle of Man. An e-commerce strategy will include a clear statement of intent designed to position the island as a leading international centre for e-commerce and the key objectives to be achieved relating to:

(i) Economic development and diversification;

(ii) Social inclusion and access to digital technology; and

(iii) Development of Public Sector electronic communication interface and delivery of services.

Clearly, the E-Commerce Director will be responsible for monitoring developments in this area of scientific progress and ensuring that they are disseminated throughout the island's populace, and the remit includes the task of addressing the possibility of social exclusion with regard to access to this new technology.

334. All human rights, including the rights to life, health and personal freedom, are protected in the Isle of Man by legislative and other provisions, and any measures taken that restrict the enjoyment of these rights, whether or not they involve the use of scientific and technical progress, infringe those provisions.

335. There are provisions for the interception of communications in certain circumstances which might be construed as allowing scientific and technical measures to be used to contravene individuals' right to privacy. However, such actions are subject to obtaining a licence. An annual review is conducted by an independent commissioner on the award of such licences; this review is laid before Tynwald for the information of Members of the Legislature and the public.

336. Intellectual property rights are protected by statutory provision and the island currently follows United Kingdom, European and international practice in this area, in order that those involved in scientific research or the creative arts in the Isle of Man are able to enjoy the fruits of their work.

337. Specifically intellectual properties in invention are protected under the United Kingdom Patents Act 1997 as applied in the Isle of Man. Literary, dramatic, artistic and musical works are all protected by copyright, which is covered by the Copyright Act 1991. The Copyright (Amendment) Act has also allowed for the protection of copyright with regard to databases. The Performers Protection Act 1996 protects performers' rights in respect of individual recordings or performances, as opposed to the author of the work. The introduction of the Performers' Protection Act put the final piece of legislation in place to allow for the Isle of Man to request the United Kingdom to make a declaration extending its ratification of the TRIPS Agreement (Trade Related Aspects of Intellectual Property Rights) to include the Isle of Man.

338. Educational provision with regard to science is made through the national curriculum, and is covered under article 13. It is worth noting that Isle of Man students sit external examinations set by United Kingdom examining boards. Scientific study at degree and postgraduate level is, by necessity, undertaken off-island, as there is no university on the island, but is supported by the Government through a system of grants. However, those undertaking their studies with the Open University are able to use the facilities at the Isle of Man College.

339. The measures taken with regard to the conservation and diffusion of culture are outlined in paragraphs 307 to 311 above.

340. There are no measures which limit the freedom to undertake scientific research and creative activity or the freedom to exchange of scientific, technical and cultural information, or to associate in learned societies, academies of science, professional associations, unions of workers and other organizations.

341. Contacts in the cultural and scientific fields are not subject to any limitations, and indeed the Isle of Man Government has developed international contacts in order to further its participation in international agreements and conventions, and has also supported non-governmental bodies in doing so. For example, Manx National Heritage has received advice from the United Kingdom Government Department for Culture, Media and Sport in appraising its prospective submissions of sites to UNESCO for listing under the Convention concerning the Protection of the World Cultural and Natural Heritage. Also, the island has been in communication with the Republic of Ireland with regard to the Convention for the Protection of the Marine Environment of the North-east Atlantic (the OSPAR Convention), and the problems associated with discharges of low grade radioactive material into the Irish Sea from Sellafield. It is possible that the Isle of Man will apply to the Oslo and Paris (OSPAR) Commissions for observer status.

342. The Isle of Man Government participates in the work of the Conference of Peripheral Maritime Regions of Europe, which covers areas of scientific and cultural research and study. Indeed, the island has recently contributed to a publication coordinated by the island's Commission of the CPMR, concerning the status of the island regions of Europe, which, it is hoped, will provide an overview of the similarities and disparities between the islands of the European continent.

343. The Government has also supported the participation of non-governmental organizations in international symposia, both on the island and abroad. For example, the Government funded the participation of Mr. K. Watterson of the Basking Shark Project (a local conservation group dedicated to the study and preservation of the basking shark, which is uniquely protected in Manx waters) and a government veterinary officer at a CITES (Convention on the International Trade in Endangered Species) meeting in Zimbabwe. The Government has also funded participation at International Labour Organization meetings in Geneva for the island's Industrial Relations Officer.

344. Furthermore, the Centre for Manx Studies, which is co-funded by the Government, recently staged a conference entitled "Island Dreams", which concerned the study of the nature of islands from the standpoint of a variety of academic disciplines.

345. Participation in international cultural events is also supported by the various cultural bodies already referred to under article 15. They also make funds available to assist in the staging of international events held on the island.

346. The Isle of Man will host the Island Games in 2001 and has made significant investment in the sporting facilities in the island, which will benefit competitors, local sportsmen and women, and the Isle of Man as a whole.

347. It is not thought that any changes in national policies, laws and practices have negatively affected the rights enshrined in article 15.

348. The Isle of Man Government has not recently submitted reports to the United Nations or a specialized agency relevant to the situation with regard to the rights contained in article 15.

349. The Isle of Man Government does not receive any international assistance in the full realization of the rights enshrined in article 15.

II. BAILIWICK OF GUERNSEY

350. The general framework under which the economic, social and cultural rights recognized by the Covenant are protected within the Bailiwick of Guernsey are set out in full in a paper annexed hereto.

Article 1

Constitution of the island's legislatures

351. In Guernsey, of the 57 voting members of the legislature, 45 are directly elected by universal franchise. The remaining 12 members are indirectly elected: there are two representatives of the States of Alderney and one of each of the 10 Douzaines (parish councils) of the island. The members of the States of Alderney and the members of the Douzaines are all directly elected by the people. In addition to the 57 voting members the President has only a casting vote and the Law Officers are also members but have no vote. In Alderney, the President and the other 10 members of the legislature are all directly elected by universal franchise. In Sark, 12 members of the legislature are directly elected by universal franchise. The remaining members (not exceeding 40) hold their seats by virtue of rights associated with the ownership of certain properties. In all three islands the system of government and method of election reflects the wish of the respective populations.

Disposition of wealth and resources

352. There are no factors or difficulties which prevent the free disposal of a person's wealth and resources during his lifetime. Certain restrictions apply to dispositions after death the purpose of which is to protect the rights of the surviving spouse and children. No distinction of any kind is made except on the island of Sark and then only in respect of the fief and "terres seigneuriales" (the land of the Seigneur of Sark, its chief citizen).

Article 2

Freedom to participate in elections

353. Following the enactment of The Reform (Amendment) (Guernsey) Law, 1996 any person aged 18 years or over and not subject to any legal disability who is ordinarily resident in Guernsey throughout the two years immediately preceding 31 October of the year of application or has been so resident for a period of five years in aggregate at any time preceding that date is entitled to be inscribed on the Electoral Roll. No distinction of any kind, such as nationality, race, colour, sex, etc., is made.

354. Section 33 (3) (b) of the Government of Alderney Law, 1987 provides that a person is entitled to have his name inscribed in the register of electors if (inter alia) "he is not an alien within the meaning of the law in force in the United Kingdom". The expression "alien"

therefore has the meaning given by the British Nationality Act, 1981 (sections 50 (1) and 51 (4)), being a person who is neither a Commonwealth citizen nor a British protected person nor a citizen of the Republic of Ireland.

355. Section 13 (2) (a) of the Reform (Sark) Law, 1951 provides that a person other than the owner of a proprietary interest in a tenement shall be entitled to have his name inscribed on the electoral roll if (inter alia) "he is not an alien". Again, the expression "alien" has the meaning given by the British Nationality Act, 1981.

Covenant rights

356. Guernsey, like the United Kingdom, is a common law jurisdiction and not all rights and obligations are expressly and specifically enshrined in domestic legislation. However, the Bailiwick authorities have agreed to the incorporation of the European Convention for the Protection of Human Rights and Fundamental Freedoms in domestic legislation. Enabling legislation is expected to be enacted in the latter part of 2000.

357. There are no plans at present to incorporate the International Covenant on Economic, Social and Cultural Rights in domestic legislation but should the United Kingdom decide to do so the matter would be reconsidered by the insular authorities.

358. The Advisory and Finance Committee of the States of Guernsey intends to lay proposals before the island's Parliament in September 2000 for the enactment of legislation which would render racial discrimination unlawful.

Article 3

Equal rights of men and women

359. The States of Guernsey remain committed to adopting appropriate measures to ensure the equality of men and women in all spheres. In November 1996 the States resolved inter alia:

> To note the progress made since the previous report on the Convention on the Elimination of All Forms of Discrimination against Women was considered by the States on 15 December 1993;
>
> To endorse the States Advisory and Finance Committee's intention, prior to its next report on the Convention, to carry out a detailed review in both the public and private sector to identify what measures and potential resource implications might be required to eliminate discrimination against women and to meet the aims and objectives of the Convention;
>
> To direct the Advisory and Finance Committee to implement a confidential service to record complaints by, and provide advice to, women who claim to have been discriminated against, and to report back to the States annually (by means of an appendix to a Billet d'Etat) with appropriate details. The confidential service referred to above was launched in 1998 in association with the Guernsey Citizen's Advice Bureau.

Women in the workforce

360. The female percentage of the workforce has increased from 36 per cent (1979) to 44 per cent (1998).

Women in the legislatures

361. 15.8 per cent of the members of the States of Guernsey are women. The comparative figures for the States of Alderney and Chief Please of Sark are 20 per cent and 32 per cent respectively. Of the 79 Advocates of the Royal Court 19 (24 per cent) are women.

Education

362. There are 2,690 boys and 2,575 girls receiving primary education. The numbers of pupils in secondary education are almost equally divided between boys and girls (1,421 and 1,430 respectively). There are 513 boys and 486 girls receiving secondary education in the private sector. The private school for boys has boarding facilities, whereas the girls' schools do not.

363. There are 77 males and 112 females in full-time education at the Guernsey College of Further Education and 398 males and 384 females in higher education off the island.

364. The Employment Protection (Guernsey) Law, 1998 provides, inter alia, that dismissal on the ground of pregnancy shall constitute unfair dismissal.

Articles 4 and 5

Enjoyment/restriction of Covenant rights

365. There have been no significant changes with regard to either of these articles.

Article 6

Right to work - residential qualification

366. In Guernsey, under the Housing (Control of Occupation) (Guernsey) Law, 1994, persons who do not hold local residential qualifications are restricted in relation to the type of dwelling they may occupy. They can only occupy dwellings inscribed in Part A of the Housing Register ("open market dwellings"), the occupation of which is not regulated. They cannot occupy housing on the so-called local market unless they hold a housing licence.

367. The holders of housing licences granted to enable them to work in Guernsey must generally obtain a new licence before they can change employment. All employees in Guernsey must demonstrate to their employer that they are lawfully resident. In all other respects, persons lawfully resident in Guernsey are treated equally.

368. In Alderney, under the Housing (Control of Occupation and Development) (Alderney) Law, 1994, a person may not be granted permission for the construction of a dwelling unless he satisfies certain residential conditions (e.g. unless he is aged at least 21 years and has been ordinarily resident in Alderney for 10 out of the previous 15 years).

369. In Sark, under the Housing (Temporary Provisions) (Sark) Law, 1976, a person may not be granted permission for the construction of a dwelling unless he satisfies certain residential conditions (e.g. unless he has been continuously ordinarily resident in Sark for at least 15 consecutive years). Moreover, a person may not occupy a dwelling house the building of which commenced after the coming into force of the 1976 Law unless, again, he satisfies certain residential conditions (e.g. unless he has been continuously ordinarily resident in Sark for at least 15 consecutive years).

370. As is the case in the United Kingdom, persons from non-European Union countries wishing to work in the Bailiwick must, under the Immigration Act, 1971, obtain a work permit.

Right to work - education

371. The Education Council has kept the school curriculum under review and is currently developing new information and communication technology resources which will allow pupils to develop ICT skills in order, inter alia, to take advantage of employment opportunities in economic sectors dependent on such technology.

372. The Education Council continues to develop the programme of vocational courses available through the Guernsey College of Further Education.

373. The Board of Industry has worked with interested parties in the private and public sectors in order to establish a structure which will help to achieve open access for all to technical and vocational guidance and training programmes. This consultation led to the formation of the Guernsey Training Agency and latterly the Training Agency, which was formally established in June 1999 in order to provide a strategic overview of Guernsey's training needs. The Training Agency is an autonomous body supported financially by the States and facilitates the local delivery of a number of professional and vocational courses up to postgraduate level in conjunction with United Kingdom universities.

Article 7

Conditions of work

374. The Employment Protection (Guernsey) Law, 1998 legislates in matters relating to unfair dismissal and minimum periods of notice. This legislation provides employees with the right to receive compensation if they are dismissed unfairly.

Health and safety

375. In 1995, the Board of Industry introduced an approved code of practice for the organization and management of health and safety in the construction industry. This Code of Practice and the associated training sessions that went with it have helped to ensure that the general standard of health and safety in the industry has been improved.

Sex discrimination legislation

376. The Board of Industry is currently working on sex discrimination legislation which it is envisaged will be presented to the States during the latter part of 2000. This legislation will help to ensure that everyone is given an equal opportunity in the workplace. The proposed legislation will, inter alia, ensure that employers offer terms and conditions of employment which do not discriminate against an employee's gender, but the legislation will not embrace "equal pay for equal value".

377. The Board did not recommend acceptance of the "equal pay for equal value" principle on the grounds, firstly, that it might prove too complex for a small jurisdiction such as Guernsey and, secondly, that the principle appeared to be causing legal difficulties elsewhere and was not working smoothly in other jurisdictions.

378. There have been no significant changes with regard to this article in Alderney and Sark.

Article 8

Trade unions, the right to strike, etc.

379. There have been no significant changes with regard to this article.

Article 9

Right to social security and social insurance

Guernsey and Alderney

380. The Health Service (Benefit) (Guernsey) Law, 1990 has been amended to include specialist medical benefit, ophthalmic benefit and physiotherapy benefit.

381. The Social Insurance (Guernsey) Law, 1978 has been amended to allow increased flexibility as to the weeks for which maternity allowance may be paid. There have also been amendments to replace the widowed mother's allowance with a widowed parent's allowance and to introduce a survivor's grant. These changes will be effective from January 2000.

Sark

382. Sark has no social security or social insurance legislation, but welfare payments are provided by the island's authorities. They are funded by levying a capital tax on residents.

Article 10

Protection of and assistance for families

383. In relation to article 10, the Children Board continues wherever possible to ensure that children remain within their own families, unless they are at risk of significant harm.

384. In 1996, the Children Board developed its five-year Community Action Programme. One of the main aims of this programme has been to provide easily accessible resources to children and families in need. The aim of this provision is to enable parents to bring up their children successfully and to prevent serious family problems which can lead to family break-up. This has been partially achieved through the development of a family centre, a playbus and parent and child drop-ins. The Children Board is planning to extend these developments over the next five-year period.

385. The Children Board has two resource centres which provide between them 12 beds and 4 emergency beds for children who need to be accommodated. Both these resource centres have been further developed to provide support to families in the community to prevent the need for a child or young person to be accommodated; the centres also work with families to reintegrate children and young people back into their family if it has been necessary for them to be accommodated.

386. The majority of children and young people who require accommodation are placed with foster carers.

Protection for mothers before and after childbirth

387. With regard to services to mothers before and after childbirth, the Children Board Family Centre has run groups and offered support to vulnerable inexperienced young mothers at both the pre- and post-natal stages. This has been done in partnership with the Board of Health Midwifery and Health Visiting Services.

Protection of children

388. The laws of the Bailiwick are designed to provide protection to children and remain unchanged in relation to Guernsey. In 1998, the law providing for the protection of children (Children and Young Persons (Guernsey) Law, 1967) was extended to include Alderney. The Child Protection (Guernsey) Law, 1972, has been extended to Alderney and it will enter into force in that island on 1 April 2000. These measures extend the range of services and protection to children and families throughout Guernsey and Alderney.

389. Further, the Social Policy Working Group has produced recommendations for the Advisory and Finance Committee in response to a Requête on Low Income Earners and Households. A number of measures to assist families on low incomes are to come before the States and research is to continue into ways to assist this vulnerable group in our society.

390. As stated in paragraph 381, there will be changes to the regulations relating to maternity benefits with effect from January 2000. There will be increased flexibility as to the weeks for which maternity allowance may be paid and changes in the conditions of entitlement to the maternity grant.

391. Section 47 of the Education (Guernsey) Law, 1970, states that if any child of compulsory school age is employed in a manner prejudicial to his health or education the Council may prohibit the employer from employing the child or may impose restrictions on the employment of the child.

392. The Education Council is currently reviewing this provision of the Education (Guernsey) Law, 1970, in the light of local experience and more recent legislation in the United Kingdom.

Article 11

Right to an adequate standard of living

393. There have been few significant changes since the previous report. The unemployment figures as at 21 October 1999 were: males - 47, females - 18. The total, 65, represents 0.23 per cent of the economically active population.

394. The Housing Authority loans scheme provides for the issue of loans (for the purchase of existing properties or the construction of new dwellings) principally for young families who are first-time buyers. Loans are generally made at preferential rates of interest. The loans scheme is also available to house owners for essential repairs. The Authority expects to issue between 70 and 80 house purchase loans each year. The States of Guernsey have also reduced the cost of house purchase in the lower first-time buyer price range by reducing document duty charges.

395. The present waiting list for States of Guernsey rented dwellings comprises 65 families and 62 elderly persons or couples. Approximately 80 applicants on the waiting list were housed in 1999. The accommodation occupied by those remaining on the waiting list is not necessarily unsuitable for their present requirements. Nevertheless, in the administration of both rental dwellings and housing loans, the States of Guernsey have introduced measures to encourage persons who no longer need assisted housing or subsidized loans to relinquish those houses or redeem those loans. Houses thus released are then available to those whose need is greater.

Article 12

Physical and mental health

396. The Board of Health is responsible to the States of Guernsey for health matters. The Board's mandate from the States includes:

> "To advise the States on matters relating to the mental, physical and social well-being of the people of Guernsey and Alderney, including:
>
> Health education;
>
> Promoting, protecting and improving environmental and public health;

Preventing or diagnosing and treating illness, disease and disability;

Caring for the sick, old, infirm and those with disabilities."

397. Pursuant to this, the Board's Mission Statement states as its aim:

"To maintain and improve the health of the people of Guernsey and Alderney as cost effectively as possible within the constraints placed upon it."

398. The Board of Health has subscribed to CESDI (Confidential Enquiry into Stillbirths and Deaths in Infancy) since 1997. Stillbirths and infant mortality rates for the quinquennium 1994-1998 are:

Stillbirths	6.3 per 1,000 live births
Infant deaths	4.6 per 1,000 live births

399. The numbers of cases of notified diseases are published annually and in most cases show a year-on-year decline. New vaccination and immunization programmes have been introduced in parallel with those in the United Kingdom. Preliminary results of a five-year review of health in Guernsey show reductions in mortality from the most common causes of death in Guernsey and an increase in life expectancy between 1990 and 1997 of 2.7 years for men and 2 years for women. Both remain above equivalent United Kingdom figures.

Abortion

400. Prior to the Abortion (Guernsey) Law, 1997, which came into force in March 1997, abortions were generally illegal in Guernsey. The 1997 Law preserved the general prohibitive position, but qualified it, allowing for abortions to be carried out at the Princess Elizabeth Hospital by a medical practitioner in situations where certain specified circumstances were certified as existing by two medical practitioners.

401. The Abortion Regulations 1997 were then introduced, stipulating forms of certification.

Advance statements

402. In May 1999, the Board introduced a policy recognizing that advance statements made by a competent adult expressing a clear refusal of treatment may be legally binding. The Board of Health now requires its staff and those contracted to provide health-care services on the Board's premises to be aware of the current legal position and to take due account of advance statements.

Consent to treatment

403. In June 1999, the Board introduced a policy with the aim of ensuring recognition of the fundamental right of all patients, where able, to give or withhold consent prior to examination or treatment. The policy seeks to ensure that health-care professionals seek the informed consent of

patients; that patients receive sufficient information about proposed treatments so that they can make a balanced judgement; that patients be allowed to decide whether they agree to the treatment, and may refuse treatment or withdraw consent to treatment at any time; and that, when patients give information to health professionals, they can assume that the information will be kept confidential.

404. The Board has issued a set of guidelines for the use of all medical and dental staff using Board of Health facilities, to ensure the above-mentioned policy is implemented.

Food and drugs/food safety

405. There has been considerable new legislation relating to food, drugs and food safety:

The Food and Drugs (Labelling of Food) Order 1995 and the Food and Drugs (Food Hygiene) (Amendment) Order 1995 were laid before the States in March 1995.

The Food and Drugs (Registration of Food Premises) Order 1995 was laid before the States in January 1996.

The Food and Drugs (Emergency Prohibition Notice) (Maximum Compensation) Ordinance 1996 was laid before the States in January 1996.

The Food and Drugs (Improvement and Prohibition - Prescribed Forms) Order 1996 was laid before the States in May 1996 along with the Food and Drugs (Slaughter and De-boning of Beef) Order 1996.

The Food Safety (Fishery Products) Ordinance 1996 and the Food Safety (Live Bivalve Molluscs and other Shellfish) Ordinance 1996 were approved by the States in July 1996 and came into force in October 1996.

Environment

406. The Board is represented on the States Environmental Strategy Group and supports the development and application of "Indicators of Sustainable Development" for Guernsey. It is continuing to expand and enhance its environmental monitoring capacity; real time air quality monitoring and enhanced waste disposal monitoring are recent developments.

Health insurance

407. In 1995, the States approved the Specialist Health Insurance Scheme, a statutory scheme under which residents of Guernsey, Alderney, Herm and Jethou may receive specialist care and treatment, comprising specialist medical benefit, ophthalmic benefit, physiotherapy benefit and Alderney Hospital benefit, free of charge. The scheme took effect from 1 January 1996.

Hearing aid dispensers

408. In January 1993, the Board had agreed to adopt the United Kingdom Hearing Aid Council's Code of Practice as a basis for a local voluntary code. In August 1994 the Board considered a draft code of practice and, following a consultation process, the Code of Practice is now in force. Full implementation of the Code and publication of the Register took place in October 1997.

Misuse of drugs

409. The Misuse of Drugs (Bailiwick of Guernsey) (Amendment) Law 1995 was registered in December 1995, regulating the supply of articles for administering controlled drugs.

410. Three new ordinances under the Misuse of Drugs (Bailiwick of Guernsey) Law 1974 came into operation in June 1997. These were the Misuse of Drugs (Bailiwick of Guernsey) Ordinance 1997, the Misuse of Drugs (Safe Custody) (Bailiwick of Guernsey) Ordinance 1997 and the Misuse of Drugs (Notification of and Supply to Addicts) (Bailiwick of Guernsey) Ordinance 1997. At the same time, the Board made an order amending the schedule to the law, which had the effect of adding 14 new drugs to the list of controlled drugs.

411. In October 1998, the States approved the proposals to allow the Board to amend the Misuse of Drugs (Bailiwick of Guernsey) Law 1974 by order (i.e. instead of by ordinance by the States).

Paediatrics

412. The Board is supporting the healthy development of Guernsey's children with the appointment locally of a third specialist paediatrician, and with enhancements to the Child and Adolescent Mental Health and the Child Development Services.

Public health - nuisances

413. In October 1999, amendments to the Public Health Law 1934 came into force to update the actionable nuisances, to include light, smoke and noise and to extend the powers of authorized officers to provide for the immediate abatement of specified nuisances.

Standards of rented accommodation

414. In 1998, the Director of Public Health carried out an accommodation audit in order to provide an enforceable standard definition of area per person to be applied generally to rented accommodation in the island. The Board introduced and published a voluntary code of good practice for rented accommodation in March 1998.

Stillbirths

415. The Stillbirth (Definition) (Bailiwick of Guernsey) Law 1998 was registered in Guernsey in March 1998, reducing the time used for the definition of a stillbirth from 28 to 24 weeks' gestation.

Tattooing, piercing, acupuncture and electrolysis

416. In April 1999, the States approved legislation empowering the Board to regulate tattooing, piercing, acupuncture and electrolysis activities and introducing a registration system for premises and operators. This legislation is expected to come into force in early 2000.

Transfrontier shipments of waste

417. In May 1999, the Transfrontier Shipment of Waste Ordinance 1999 came into force, giving effect to the provisions of the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The ordinance will, in due course, enable the States of Guernsey to export hazardous waste to the United Kingdom or other European countries, in accordance with European regulations, so long as shipments of waste for disposal are minimized and managed in an environmentally sound way.

Tobacco advertising

418. In January 1997, the States approved the Tobacco Advertising (Guernsey) Law 1997, regulating the publishing, distribution and display of tobacco advertisements in Guernsey. At the same time, the Sale of Tobacco (Amendment) Ordinance 1997 was approved, amending 1913 legislation forbidding the sale of tobacco to minors. In addition to the above legislative and policy changes, earlier this year the States approved a £30m+ site development plan which over the next 10 years should see the majority of the island's health services co-located near the acute hospital site, improving access and efficiency. Further, the Board's revenue budget has been increased from £37m in 1995 to £45m in 1999, reflecting the improved provision of services for all island residents.

Article 13

Right to education

419. In April 1997, the Education Council adopted new Personal, Social and Health Education Guidelines for use in the schools under its control. Among the objectives of the Guidelines are the following:

> To recognize that others have views and needs different to one's own and to respect these different perspectives;
>
> To encourage positive attitudes towards cultural diversity, gender and age differences and people with disabilities.

420. Owing to its small size, Guernsey does not have institutions of higher education. As well as awarding grants for study at universities in other territories, the Education Council has recognized the difficulties that prevent some residents with family commitments training as teachers and has organized a locally-delivered course for the Postgraduate Certificate in Education in conjunction with a university in the United Kingdom.

Article 14

421. Not applicable.

Article 15

Right to participate in cultural life, etc.

422. There is nothing to add to comments set out in previous reports.

III. STATES OF JERSEY

423. This is the fourth report submitted by the States of Jersey. Since the last report, the measures listed below have been taken which are relevant to the provisions of the Covenant.

Article 2

424. The States resolved in principle to incorporate in domestic Jersey law the terms of the European Convention on Human Rights. To this end, the Human Rights (Jersey) Law (which is similar to the relevant United Kingdom provisions) has been given royal sanction and was registered in the Royal Court in June 2000.

425. On 17 November 1995, the Administrative Decisions (Review) (Amendment) (Jersey) Law was enacted. It amended the Administrative Decisions (Review) (Jersey) Law 1982 to enable review boards to be composed of persons who are not States members. The law of 1982 provides a system of administrative appeals for those who wish to seek redress against decisions of committees, departments and officials of the States of Jersey.

426. The drafting of legislation which will render racial discrimination unlawful is under active consideration. A brief for the law draftsman is being prepared by a seconded officer and a working party. They have completed a discussion document which is available for public consultation. Comments had been requested by 31 May 2000 and are currently being collated. It is anticipated that a draft law will be presented to the States in early 2001. In addition, a steering committee has been set up under the auspices of the Policy and Resources Committee to coordinate the efforts of nine different working groups tasked with exploring, developing and implementing a campaign to tackle racial discrimination in the island and emphasize cultural integration. The groups are concentrating on a range of issues, from the role of the media and education in schools and the workplace, to the significance of nationality, citizenship and language. To date, work has commenced on a draft charter on citizenship, a code of practice in the workplace and educational seminars in secondary schools.

Article 3

427. The States of Jersey have endorsed the principle that all forms of discrimination on grounds of sex, whether against women or men, should be removed. The Employment and Social Security Committee has engaged in a widespread consultation exercise which considered:

(a) Whether legislation covering sex discrimination in employment matters should be introduced;

(b) Whether legislation covering disability discrimination in employment matters should be introduced;

(c) Whether legislation covering age discrimination in employment matters should be introduced;

(d) Whether other forms of discrimination should be covered.

As a result of this exercise, age discrimination was deemed the area most people were interested in looking at further, then gender, disability and race. In addition, the Policy and Resources Committee has now decided to take a comprehensive look at the possibility of implementing anti-discrimination legislation and will be issuing a report on the subject in October 2000.

Article 4

428. The insular authorities are not aware of any limitations on the rights contained in the Covenant which breach this article.

Article 5

429. The insular authorities believe that Jersey law is consistent with this article.

Article 6

Workforce

430. The island has a workforce of approximately 52,000, which is increased by approximately 8,000 in the summer months. The island has a relatively low unemployment rate and by most economic measurements would be deemed as having full employment. The average unemployment rate is around 0.5 per cent. The unemployment rate has not risen above 3 per cent in the past 10 years. As a rule, unemployment levels fluctuate throughout the year in Jersey, declining when seasonal work is available in the spring/summer and increasing during the winter. Generally, those who find themselves out of work find new employment within six to eight weeks.

Training

431. In December 1994, the States agreed that the various training and employment initiatives in the island should be brought together under a single agency called the Training and Employment Partnership (see paragraph 437 below). This body is responsible to the Employment and Social Security Committee for all training and employment matters. The Committee has been given the new title of Employment and Social Security Committee to reflect its additional responsibilities in this respect.

432. The services provided by the Department of Employment and Social Security include a job centre, the purpose of which is to provide a comprehensive and professional service on all matters relating to employment and vacancies in the island. The services provided by the Job Centre to both employers and those seeking work are free and are separate from those provided by private employment agencies.

433. The States also take an active role in ensuring that work opportunities exist for persons with special needs. The Employment and Social Security Committee allocates financial resources to support a range of sheltered, therapeutic and other work programmes for people with special needs. The budget has risen from £973,000 in 1995 to £1.4 million in 1999. The increase is due to an amalgamation of several services, both new and existing. A considerable amount of support has been given by the public sector in providing placements for the group.

434. It has not been considered necessary to adopt any measures to ensure that work is as productive as possible.

435. Every person has the right to gain a living by work which they freely choose or accept.

Vocational training

436. The major provider of vocational training is Highlands College which is supported by its governing body under the aegis of the Education Committee. The College continues to be a popular option.

437. The last period of high unemployment was 1993-1994. A series of focus group meetings to address the problem were held by the private sector and a "Job Club" was established to support people in gaining employment. Following this, the Training and Employment Partnership (TEP) was conceived by the States of Jersey on 23 November 1994. The aim of TEP is to promote a competitive, well trained and flexible labour market by working in partnership with Jersey employers on all relevant training and employment matters, and by helping unemployed people back into work.

438. In order to establish a benchmark, the TEP commissioned an Employers' Survey in 1995 to examine the size and structure of the island's workforce, recruitment activity and difficulties, training and business development activities, and other challenges facing businesses. The results of the survey helped in the development of the first TEP strategy, presented to the States in September 1996. Four major areas of concern were identified by this survey: Jersey employers

had very low rates of training, had extremely low rates of business planning, showed signs of weak management practices, lagged behind the United Kingdom and well behind Europe in terms of business planning and investment in training.

439. In response to these findings, TEP has worked with employers and training providers to develop programmes and initiatives aimed at improving the situation. The approach was to concentrate on business development rather than selling training per se, in the belief that if employers are managing their business well, they will automatically see the relevance and value of training and developing staff. Recognizing, however, that there were specific skills deficiencies in the trades sectors, TEP also established the Jersey Apprenticeship Scheme, aimed at the achievement of NVQ Level 3, a nationally recognized standard for skilled craftspeople.

Business planning

440. Between 1996 and 1998, TEP has supported:

373 businesses through management development training;

287 businesses, translating into 1,051 people, in the achievement of qualifications, the majority of which are nationally recognized;

65 businesses, translating into 354 people, in the achievement of National Vocational Qualifications (NVQs);

313 businesses on business planning seminars, 55 of which have been through the Competitiveness Challenge programme;

12 companies on a pilot programme for Investors in People;

The development of the Jersey Apprentice Scheme in construction, the motor trade and electrical installation has resulted in structured, work-based training. This has helped to develop local residents to a skilled craft level, supplemented with basic business and management skills. To date, 81 people are on their way to becoming skilled craftsmen.

441. A "Code of practice in the workplace" is currently being developed by the employment and training working group. The Code will embrace all forms of discrimination and initial responses from businesses have been positive. The Code is expected to be completed by the end of the year.

442. The Employers' Survey was repeated in the autumn of 1998 and now allows TEP to benchmark the impact of its activities. The survey revealed:

Substantial increases in both training and business planning activity;

That 30 per cent of Jersey businesses currently have a written business plan, compared to 22 per cent in 1995;

A 50 per cent increase in the percentage of employers who value management development as a key component of their business success, although there is little evidence of specific plans to develop management, indicating that much additional work is required in this vital area.

Management training

443. In addition, TEP has continued to align its policies and strategies to the needs of the island and has:

Introduced Jersey Career Development Loans, bank loans which provide a person with help to pay for vocational education or training, so that Jersey residents, whether employed or outside of the labour market, have access to training without the worry of having to pay back the loan until the training is completed;

Merged the Headway re-training scheme for unemployed people with the Special Needs Employment Programme, which has enabled the rationalization of services and the development of a new service "Workwise". This service now provides consistent support, training and employment opportunities for all those who are currently outside the labour market, including disabled people, women returners and the unemployed. It provides vocational assessment, where appropriate, along with opportunities for mock interviews, work experience and voluntary placements - all developed in partnership with employers, primarily in the private sector. For those who require intensive support, job coaches are available to work with the client through every step of the job-seeking process and to provide on-the-job training and support until the person is working independently in the position. Since April 1998, 124 people have been helped to re-enter the labour market;

Increased the public area space, which has resulted in improved job display facilities and better services;

Improved communication lines with employers, which has resulted in the successful promotion of the job-matching service, the increased use of interview rooms by employers for recruitment purposes, and more open day initiatives allowing employers to conduct recruitment drives from within the centre;

Continued to streamline the services through the "one-stop-shop" Employment Services Centre. Two careers assistants have undergone careers training and development in order to provide cover in the area of careers and also to enable the expansion of the resource area in line with the requirement for a central information facility to support the concept of lifelong learning.

444. Whilst the achievements have been encouraging, in that they indicate that the current range of TEP services and programmes are affecting some of the desired outcomes, there is still a long way to go. All initiatives have been reviewed and identified weaknesses will be addressed. Through the establishment of TEP and continued refining of the services offered,

resources have been directed, in particular, to the areas of special need, which has enabled savings of £263,597, as of July 1999, to be made in terms of benefits. Additionally, through returning to the workforce, it is estimated that 30 per cent of these clients have had their welfare payments reduced and, in some cases, stopped altogether. As a result, the current TEP provision will be largely maintained, although significant areas for further development and repositioning have been identified in order for TEP to be able to address its remit fully.

445. There are no data available at present that indicate what part of the working population holds more than one full-time job.

446. Legislation concerning a minimum wage is being considered. Please see article 7.

447. International assistance is not applicable to the island.

Article 7

Promotion of good employment practice

448. Since the writing of the third periodic report in 1995, there have been considerable developments concerning the promotion of good employment practice and industrial relations in the island.

449. As referred to in that report, the States agreed in 1994 that policy responsibility for the promotion of equal opportunities for all persons in all areas of Jersey economic and social life should be given to the Industrial Relations Committee. That Committee undertook to lodge a report and proposition with a package of industrial relations guidelines and legislation for consideration by the States in 1996. Work began on various issues including: discrimination; a maternity policy; and a minimum wage. However, in December 1996, the functions of the Industrial Relations Committee were transferred to the Employment and Social Security Committee which, in November 1997, was specifically charged with:

(i) Introducing a minimum wage policy in the island;

(ii) Introducing a maternity policy throughout the island comparable to that offered to States employees;

(iii) Bringing forward for consideration employment legislation and social security policies to encourage the more effective use of manpower.

Minimum wage

450. During 1997/98 the Employment and Social Security Committee carried out further research, in addition to that carried out by the Industrial Relations Committee, into the need for a minimum wage in the island. The research resulted in the preparation of a report and proposition which was lodged in November 1998 for debate in the States. The debate on that proposition took place in March 1999 and it was resolved to introduce:

"A minimum wage at such single hourly rate as the States may prescribe by Regulations;

A trainee wage, at such rate as the States may from time to time prescribe by Regulations, to be paid to individuals who are undergoing a training programme approved by the Employment and Social Security Committee after consultation with the relevant parties;" and that

"Individuals should have the opportunity to ensure compliance with the minimum wage through a Jersey Advisory and Conciliation Service and an Employment Tribunal established under a new Employment Law;

And that an independent body be established to advise the Committee on matters relating to the provision of a minimum wage, including the provision of a mechanism for uprating the amount of the wage."

451. The States have yet to debate the details of the regulations that will support and effectively implement the minimum wage law. However, the Employment and Social Security Committee proposes to introduce a policy that will be relatively similar in its operation to that brought in the United Kingdom in April 1999.

452. The brief for drafting the minimum wage law has been sent by the Employment and Social Security Committee to the Law Draftsman. Given that the effective implementation and monitoring of that law will, to a large extent, depend on the introduction of additional legislation dealing with issues such as the right not to be unfairly dismissed and the right to receive a pay statement, it has been decided to await the outcome of the forthcoming States debate on the Employment and Social Security Committee's proposals for additional employment legislation, before moving ahead on the minimum wage.

Employment legislation

453. In response to the request that the Employment and Social Security Committee bring forward employment legislation to encourage the more effective use of manpower, the Committee undertook some comparative research in 1997/98 into the employment law infrastructure of other jurisdictions worldwide. It also carried out a major survey of islanders' views on the need for additional legislation in the workplace and, in December 1998, a booklet entitled "Fair Play in the Workplace" enclosing a questionnaire was circulated islandwide to all householders and businesses. A wide variety of issues which affect working relationships were addressed, including:

(i) Terms and conditions of employment;

(ii) Equality of opportunity and treatment, including discrimination;

(iii) Maternity arrangements;

(iv) Payment of wages and salaries;

(v) Termination of employment, including dismissal, redundancy and transfer of undertakings;

(vi) Flexible working practices;

(vii) Advice, conciliation and enforcement;

(viii) Trade unions and collective employment rights and obligations.

Responses were collated and several consultation meetings were held during the first half of 1999 with various groups representing employers, trade unions, employees and the Portuguese community. At the time of compiling this report, the Employment and Social Security Committee is about to go out to consultation on its proposals for an up-to-date framework of employment legislation and it will be lodging its report and proposition with the States for debate hereafter. The proposals address all the issues raised in the Fair Play booklet. They seek to enhance the freedom of the individual, whether an employer or an employee, to negotiate his own contract terms, whilst at the same time introducing a set of minimum standards in law to which all will need to adhere. Considerable emphasis is also placed on the need for all to abide by good management practice. The Committee proposes to issue an employment handbook advising on good management practice, for use in conjunction with the new legislation. The Committee is also confident that its employment law proposals and good management guidelines if adopted by the States and adhered to in practice, will result in the creation of a framework of legislation that will establish minimum standards generally regarded as necessary and acceptable in the modern workplace and capable of satisfying the criteria set by articles 7, 8 and 10.2.

454. Until the new proposals are introduced, working conditions and policies remain as stated in the third report.

Article 8

455. The island is party to the:

International Covenant on Civil and Political Rights;

ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98);

ILO Freedom of Association and Protection of the Right to Organize Convention 1948 (No. 87).

456. Effect is given to this last Convention by common law. There is no restriction on the citizen's right to associate with other persons for any lawful object. Although there is no law relating to trade union organizations, there are no conditions which must be fulfilled upon the establishment of a trade union in Jersey and there are, in fact, several branches of the larger organizations active in the island. Insofar as meetings are concerned, the legal position rests on the right of the citizen to liberty of person and speech.

Article 9

457. The provisions of this article are implemented by the Social Security (Jersey) Law 1974, as amended, and by the Health Insurance (Jersey) Law 1967, as amended, and a substantial body of subordinate legislation made thereunder. Copies of this legislation have been submitted previously. Copies of more recent instruments, passed since the submission of the previous periodic report, are submitted with this report. These are the Disability Transport Allowance (Jersey) Law 1997 and the Child Care Allowance Act 1999 - "Act to establish a Scheme to make childcare more available for low income families" (the latter is an act of the States, rather than a law).

458. As stated in the previous report, the following branches of social security exist in the island.

Medical care

459. Following a review and reorganization of the structure of social services in the island, free hospital treatment is now provided by the Health and Social Services Committee, which replaced the former Public Health Committee.

460. Every person insured under the Health Insurance Law is entitled, subject to satisfying a six month residential condition, to medical benefit in the form of part reimbursement of the cost of the general medical practitioner's services and subsidized drugs and medicines (pharmaceutical benefit).

461. The benefits are financed from contributions to the Health Fund. A person whose income is below a prescribed limit can apply for Health Insurance Exemption, and thus qualify for the above-mentioned benefits without payment. Initiatives are in hand to maximize the use of IT links amongst doctors providing primary care, this being in the best interests of patient care.

Contributory benefits

462. The Social Security Law provides, in return for earnings-related contributions, various cash benefits.

463. The scheme is compulsory for all persons between school-leaving age and pension-age (subject to special provision for certain prescribed categories of persons).

464. Benefits are increased annually, as are contributions. The money to pay for the benefits comes from contributions payable by the employer, employee and the States. A staggered introduction of increased contribution percentages is being implemented to secure a Social Security Fund which is adequate to cope with the forecast demographic shifts in the dependency ratio, thus safeguarding pensioners' rights to an income.

465. All of the benefits listed below are subject to proposed reforms aimed at streamlining and updating the benefits system to ensure that benefit payments are targeted to those who need them and that claimants are not unintentionally barred from eligibility.

(i) Sickness benefit is payable in respect of periods during which a person is incapable of work through illness, subject to certain conditions being satisfied.

(ii) Invalidity benefit replaces sickness benefit after 52 weeks, subject to certain conditions being satisfied. The standard rate of benefit is the same as that for sickness benefit.

(iii) Injury benefit is payable for a maximum period of 52 weeks, from the date of an accident, subject to certain conditions being satisfied.

(iv) Disablement benefit is a payment made at the expiration of the period during which injury benefit is payable. It is payable as a result of loss of physical or mental faculty following an accident. It is not payable at the same time as injury benefit. The amount of benefit depends on the extent of disablement and may be increased in respect of a wife or adult dependent.

(v) Maternity grant is a lump sum payment to help with the general expense of having a baby and may be paid either on the mother's own insurance or that of her husband.

(vi) Maternity allowance: a woman who leaves her employment because of pregnancy is entitled to a weekly allowance for 18 weeks. The allowance is payable by virtue of her own insurance.

(vii) Widow's benefit to help a widow in the initial period of widowhood. A widow's allowance is payable for the first 52 weeks of widowhood. Thereafter, a widowed mother's allowance will be payable to a widow with dependent children. Widow's benefit is to be replaced by a Survivor's benefit, to ensure pension rights for widowers as well as widows.

(viii) Widow's pension is presently paid either (a) after the widow's allowance ends, if the widow does not qualify for widowed mother's allowance and she was over 40 years of age on her husband's death or (b) after the widow has ceased to be entitled to a widowed mother's allowance and she is then over 40 years of age.

(ix) Old age pension: prior to 1975, the pension age was 60 for women and 65 for men. The 1975 Law provided for a common pension age of 65. However, the rights of women who were insured prior to 1975 are safeguarded in that they can claim an old age pension at 60 through their own insurance. The wife of a pensioner, though not herself insured, may qualify for a pension of her own at age 65 based on her husband's contribution record. A new "flexi-pension" scheme will be in place shortly. This will allow people to draw a reduced pension from the age of 63 years.

(x) Death grant: a lump sum is payable on the death of a contributor, or of his spouse or child. A non-contributory death grant may also be payable in certain cases.

Non-contributory pensions

(i) The Attendance Allowances (Jersey) Law 1973 provides for a monthly cash payment to be made in respect of persons who are so severely disabled, physically or mentally, that they need constant attention. Such an allowance is subject to a generous income limit, is tax free and is in addition to any other benefits payable.

(ii) The Non-Contributory Pensions (Jersey) Law 1954 provides for the payment of non-contributory pensions to people born before 1896 (i.e. those who were too old to contribute and thereby qualify for old age pension).

(iii) The Family Allowances (Jersey) Law 1972 provides for the payment of a tax-free allowance for the benefit of the family as a whole. It is paid to families who have at least one child under the age of 16 and the scale of payment is related to family income number of children. The allowance is reviewed annually.

(iv) Welfare milk: milk at less than the retail price is available to the following categories:

Children under five years of age;

Expectant mothers;

Persons between the ages of 65 and 70 who are in receipt of parish welfare; or hold a health insurance exemption; or require milk as a necessary and substantial part of their health;

Persons over the age of 70.

(v) Adult Disablement Allowance: payable to adults who have been unable to work for some time because of a disability. It is paid monthly and subject to residence and income conditions.

(vi) Invalid Care Allowance: paid to individuals of working age who are unable to work because they stay at home to care for a person who is receiving an Attendance Allowance. The carer's social security contributions are also credited to protect their individual entitlement. As with some other benefits, there are income conditions.

(vii) Child Disablement Allowance is payable for children under 16 years who are disabled but not to the extent that they qualify for Attendance Allowance. It is subject to residence and income conditions.

(viii) Disability Transport Allowance: intended to assist adults and children who cannot safely leave home without help because they are severely physically or mentally disabled. The benefit is paid subject to medical, residence and income conditions.

(ix) Child Care Allowance: paid to qualifying claimants to offset the cost of childcare for parents who work. The policy intent of this benefit is to seek to ensure that those who do not earn enough to pay income tax and thereby qualify for taxation relief for childcare costs are not disadvantaged by virtue of earning less than the tax threshold.

(x) Parish welfare grants (administered by the parishes). The purpose of a welfare grant is to supplement the income of those people who are not in full-time work and whose income (if any) from social security benefits or other sources is not sufficient to meet their requirements.

466. Welfare grants are payable to people who were born in the island or who have resided in the island for at least five consecutive years.

Unemployment benefit

467. No such benefits are payable under the Social Security Law. Unemployed persons can claim a welfare grant from their parish welfare authority (provided they meet the qualifying conditions described above).

468. Expenditure in 1998 on social security was £87 million; on the Health Fund, £13 million; and on non-contributory benefits, £21.5 million.

469. The question of whether the formal social security scheme described is supplemented by any informal arrangements is not applicable.

470. All groups enjoy the right to social security.

471. The States of Jersey have undertaken a major review (referred to in the previous report) of all the activities of the social security service in the Island in the light of social and work trends and in preparation for demographic changes which will alter the current dependency ratio between elderly persons and the working population. The reforms and modifications to the system outlined in the above paragraphs largely emanate from that review.

472. International assistance is not applicable.

Article 10

Marriage

473. Men and women have the right to enter into marriage with their full and free consent under the terms of the Loi 1842 sur l'Etat Civil, as amended.

Family

474. As far as government benefits are concerned, there are various mechanisms which seek to protect the family as a unit. The Family Allowances (Jersey) Law 1972, as amended, provides for a means tested cash benefit for low income families. All families in receipt of family allowance do not pay income tax. Those families above family allowance level are normally required to pay income tax and reap the benefits of the tax allowances that prevail for married couples and tax allowances for children. Families that have other financial problems may also claim welfare benefits from the parish system which are based on the concept of a family unit. These benefits are means tested and seek to ensure that all families are maintained at least at subsistence level. Family allowance is accessible to everyone in Jersey provided they have a sufficiently low income and have returned evidence of their income to the income tax authorities.

475. The health insurance system in Jersey is also based on the family unit, provided that the dependants of an insured person are covered through contributions paid by that insured person. Once an insured person has paid contributions for six months both he and his family are covered under the Health Insurance (Jersey) Law 1967. People with a very low income can obtain free general practitioner and pharmaceutical services through the special Health Insurance Exception Scheme. Extended families are catered for in both the Family Allowance and Health Insurance Laws, whilst the welfare system, being more discretionary than the statutory benefits provided by the Social Security Department, can provide welfare payments to extended families if the need is there.

476. Very few, if any, families fall outside of all of the welfare provisions that are targeted to low income earners. As has been mentioned in the previous report, one consequence of using the income tax system for the calculation of family allowance is that newly arrived migrant workers do not have a Jersey income tax figure on which to base a claim for family allowance. This applies to any migrant worker coming to Jersey and, whilst claims can be back-dated to the date of arrival in the island if a reciprocal agreement exists with the country of origin, it can pose a problem if a person comes to Jersey from a country which cannot reciprocate on family allowance. This matter is being considered in the social security review mentioned earlier in this report.

Maternity

477. There are two strands of maternity protection in Jersey. The first is the existing social security benefit structure which allows payment of the maternity allowance and maternity grant. The maternity allowance is paid for 18 weeks as compensation for loss of earnings due to confinement. This benefit is a contributory benefit payable on the mother's contributions for the period a year before the birth of the child. The maternity grant, which is a lump sum payment to cover the costs of a new born baby and some of the costs of the mother, is payable either on the mother's contributions or the married father's contributions, which basically means that virtually every birth in Jersey has a maternity grant claim attached to it. Medical benefits during the period of confinement are covered under the normal health insurance scheme, whilst prenatal and post-natal clinics are operated by the Health and Social Services Committee.

478. The second strand of maternity protection is a voluntary code of good practice for maternity entitlement in employment, approved by the States in October 1993. The Code seeks to introduce maternity leave and rights to re-employment for prospective mothers. The period of maternity leave corresponds to the 18-week period covered by the maternity allowance.

479. Cash maternity benefits have been in place in Jersey since the inception of the Insular Insurance Law 1951 and have been subsequently improved through the Social Security (Jersey) Law 1974, which repealed and replaced the earlier law. In essence, the contributory requirements have been eased and liaison with foreign countries which have similar benefits has generally provided protection of these cash benefits when workers migrate from one country to another.

480. It is clear that there are women in Jersey who, because they have the option not to pay contributions, are not covered for social security maternity benefits, in effect the maternity allowance. Whilst the voluntary Code would cover these particular women, the States have agreed in principle that the Social Security Law should be amended so that women who are working have to pay contributions and will not have the option to cease paying. Work is currently in progress on the required amendment. In this way all women who are working would be covered for social security maternity benefits.

Children

481. Specialist services exist in Jersey to protect children and to assist children and families in need. Statutory powers and responsibilities are vested in the Health and Social Services Committee to protect and promote child and family welfare under the more comprehensive children's legislation (likely to be enacted in 2000), which confers the same powers and responsibilities.

482. Services provided are free and available to all regardless of national origin or period of residence. Children under the age of 16 are protected from economic exploitation under the Children (Jersey) Law 1969 and contravention of this legislation is punishable. New children's legislation currently in final draft form will replace the Children (Jersey) Law 1969, as amended. Like the 1969 law, the new legislation will govern the employment of children (part VI, arts. 42-47 inclusive) and will empower the Health and Social Services Committee to make orders generally covering the employment of children under the age of 16.

483. Children under the age of 16 are protected from work harmful to their health or morals under current legislation and the above-mentioned new legislation (art. 42 (2)) will also apply. Contravention of article 42 will be punishable by a fine.

484. Paid employment of child labour is prohibited and punishable by law.

485. There is no mechanism by which information on the employment of children on a part-time or holiday basis can be collated.

486. There is no mechanism by which information on the employment of children on a part time or holiday basis in their families' households, farms or businesses can be collated.

487. Laws and policies relating to children in the island are non-discriminatory. Consequently, all groups of children, regardless of personal circumstances, are accorded the same level of protection and assistance.

488. As of 1 November 1999, new age of majority legislation was introduced. Children are now deemed to have reached their majority at the age of 18. This means that at that age full legal rights as adults will be conferred on them, including for example, inheritance rights and the right to marry without parental consent.

Maintenance

489. On 23 May 2000, the island's Government adopted the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000, which widened the scope of, and revised procedures for the enforcement of various child and other maintenance orders made by courts or tribunals in the island.

490. In addition, a new children's law is envisaged this year which will widen the power of the courts to deal with matters of custody, care and control and access.

Family allowances

491. There is a significant movement of personnel in and out of Jersey, with particular regard to the seasonal industries, namely tourism and agriculture. There is also a significant finance industry in Jersey which requires personnel to be transferred from larger organizations in other countries, notably the United Kingdom. The insular authorities have therefore entered into reciprocal agreements with relevant countries which provide protection for these migrant workers both whilst they are in Jersey and subsequently on their return to the native country. In particular, agreements exist with the United Kingdom, France and Portugal, and provisions relating to family allowances, as well as the maternity grant, may be found in these agreements.

492. As previously stated, a major review of the social security system in the island is currently under way.

493. Jersey is a small, closely-knit community and information about these rights is available from a variety of sources: governmental, parochial, voluntary and domestic. Legislation is also published, both officially and through the media.

494. It is considered that these arrangements work satisfactorily in a small community such as Jersey.

495. The issue of international assistance is not applicable.

Article 11

496. Jersey is regarded internationally as having a very high standard of living. There has been a continuous improvement of living conditions for the entire population in the post-war period.

497. The island has not submitted a recent report on the general standard of living, and is content to rely on the answers of this report.

498. The island's overall gross national product per capita for 1996 (the latest year for which figures are available) was £18,200. Statistics are not available with regard to the poorest 40 per cent of the population and there is no "poverty line".

499. Jersey does not maintain a physical quality of life index.

The right to adequate food

500. There is more than adequate food available in Jersey and most of the problems relating to nutrition are those of excess rather than shortage. The people of Jersey would have adequate means to purchase food to maintain a satisfactory state of nutrition.

501. A regular general household survey elicits how much is spent on food and drink. Specific programmes, including ante-natal services, infant welfare clinics and school health services coincidentally assess nutritional state. There are very good health, medical and nursing services in Jersey which would take nutrition into account in diagnosis, treatment and counselling.

502. For the elderly, there are large numbers of welfare facilities, including day-care centres where meals are provided and a Meals on Wheels service, so that many people who would normally be in vulnerable groups are seen on a regular basis.

503. The population of the island does not suffer from hunger or malnutrition.

504. There have been no changes in national policies, laws or practices negatively affecting access to adequate food.

505. Access to food is not a problem given the small size and relative affluence of the community and the existence of well-developed systems of supply and distribution.

506. The principal measures aimed at improving agrarian systems are marketing and the conservation of agricultural land. In marketing, subsidies are provided to individuals who export through approved channels. So far as conservation is concerned, all land deemed to be productive agricultural land may only be worked by a bona fide agriculturist. Other aids to improve agricultural structures include a Preferential Loans Scheme and subsidies which compensate growers for deficiencies in the soil. In addition, the Pesticides (Jersey) Law 1991 ensures strict adherence to codes of practice on the use of chemicals, the banning of certain chemicals and a programme of maximum residue levels in foodstuffs.

507. Conservation and cleanliness of the natural and farmed fish stocks for the best long-term interest of the island are also promoted. Fishery yields are maximized by management using minimum landing sizes and other types of control. Fish and shellfish are monitored regularly for

pollution. Fish farming is actively supported by research, control of zones and monitoring of water quality and produce. The following legislation relating to agriculture and fisheries is in force:

Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974;

Protection of Agricultural Land (Jersey) Law 1964;

Agricultural Marketing (Jersey) Law 1953;

Agricultural Returns (Jersey) Law 1947;

Agricultural (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965;

Agricultural (Loans and Guarantees) (Jersey) Law 1974;

Sea Fisheries (Jersey) Law 1962;

Pesticides (Jersey) Law 1991.

508. The Department of Agriculture and Fisheries has a demonstration unit and a team of experts who are specialists in virtually all spheres of agriculture and horticulture. Experiments are continually being carried out and results have contributed to increased production yield and economic saving.

509. The Department publishes a monthly guide for growers, advising them of new developments and offering guidance. The Education Section of the Department is designed to attract young people and to develop the skills of those already working in agriculture.

510. In the sphere of animal husbandry, subsidies are paid to producers whose cattle are milk recorded and additional supplements are paid in respect of yields in excess of specified minimum standards.

511. The fisheries section has an enforcement team and utilizes a research surveillance vessel for research work in the capture fishery and to monitor catches. Management measures are changed in the light of research to provide the best long-term yield from the fishery.

512. Nutritional knowledge appropriate to the age of children is an integral part of the education system.

513. Specific groups such as pregnant women are given advice on nutrition as part of the programme of support provided by Family Nursing and Home Care, a voluntary organization supported by a grant through the Health and Social Services. In 1994, the Health Promotion Unit ran a pilot nutrition study working with low-income groups living in the Housing Department's hostel accommodation and planned a "Square meal" campaign for 1995 on

nutrition issues, targeting the elderly. In addition, 20 "Look after yourself" tutors have been trained to run classes on a regular basis for a wide variety of individuals. An integral part of the classes is the dissemination of nutritional information.

514. A large amount of information is available in the form of pamphlets, some which have been translated into Portuguese for the large Portuguese minority in the island. The local media - radio, television and press - are regularly used to give information; exhibitions, demonstrations and lectures are arranged by the Health Promotion Unit to disseminate information on nutrition.

515. These measures are all part of the ongoing policy of health promotion adopted by the Health and Social Services Committee.

516. No measures have been deemed necessary to ensure that the agrarian system is efficiently utilized, given the small size and relative affluence of the community.

517. No measures have been deemed necessary in order to ensure equitable distribution.

The right to adequate housing

518. In the 1996 Census, 29,956 structurally separate and occupied or partly occupied dwellings were recorded of which 94 per cent contained a single household. A further 2,000 units of residential accommodation were identified as being unoccupied at the time of the census. The increase in the total number of dwellings between 1991 and 1996 was 3,448, an increase of 12 per cent. In 1996, 33,702 private households comprising a resident population of 81,252 people were recorded. These figures give an average number of persons per household of 2.41; 17,458 households (52%) were owner occupied.

519. There are very few homeless individuals and families in the island. The Housing Committee has responsibility for housing homeless families with residential qualifications and does so unless homelessness is self-imposed - e.g. a family has sufficient income or assets to house itself. The Housing Committee no longer has hostels for homeless families and is rarely required to put families into bed and breakfast accommodation. If it does so, this is likely to be as a result of fire, flood or other specific incident. The Health and Social Services Committee and a number of voluntary agencies, in particular the Shelter Trust provide emergency accommodation for people who would otherwise find themselves homeless. Preference is given to people with residential qualifications, but those without are admitted to some of the short stay hostels. In his 1997 annual report, the General Manager of the Shelter Trust indicated that between October 1996 and December 1997, 73 persons were identified by the Outreach Group as living rough in the island. By the end of December 1997, only seven people were known to be sleeping rough.

520. The Education Committee provides accommodation for homeless young people with residential qualifications between the ages of 16 and 20. In addition, various charitable organizations provide emergency accommodation for people who would otherwise find themselves homeless. Whilst such organizations tend to give preference to those with residential qualifications, this is not necessarily always the case.

521. As far as residentially qualified persons are concerned, the best guide to the number of individuals and families who are considered to live in substandard or overcrowded conditions, or are in need of rehousing for urgent medical reasons, are the urgent categories on the States rental waiting list. As at 31 August 1999, there were 422 applicants on this list, 340 of them "urgent" or "high priority". There are now no hostels for homeless families administered by the Committee, but individual units within the housing stock are used for "short stay" purposes from time to time. The text regarding lodging accommodation remains the same. Currently, there are 199 registered lodging houses providing accommodation for about 4,500 persons.

522. Residentially unqualified persons are in the main restricted to lodging accommodation. The Health and Social Services Committee controls standards in all lodging accommodation through legal powers and a code of practice. All lodging houses providing accommodation for more than five persons have by law to register with the Housing Committee, which lays down strict conditions for registration, e.g. room sizes, number of persons per bedroom, provision of toilets, washbasins, baths and showers, décor, etc. Re-registration is an annual matter and thorough inspections are made. Currently, there are 151 registered lodging houses providing accommodation for 2,700 persons.

523. The number of persons who may be living in accommodation illegally is unknown, but the Housing Department prosecutes about 10 persons each year for breaches of the Housing Law.

524. There is no record of the number of persons evicted in the past five years. In terms of tenants, the figure is likely to be less than 200, and between 400 and 500 if lodgers are included. The number of persons living in lodgings is likely to have increased to around 10,000 and all of these currently lack legal protection against arbitrary eviction. Increased competition in the rental sector is no longer valid today because the island has moved from a position of relative equilibrium between supply and demand in 1995, to an imbalance at present.

525. Six thousand residentially qualified householders who rent accommodation cannot afford to rent without a subsidy. Annual rent subsidy paid is currently £18 million per annum. The Housing Committee operates generous subsidies for residentially qualified persons who buy their first homes, or who rent in the public and private sectors, whose income is not sufficient to meet their housing costs. For first-time buyers, public loans with interest rates as low as 3 per cent are offered in order to avoid purchasers paying more than one third of their income in loan repayments; for private and public tenants with low incomes, subsidies are provided to ensure that not more than a sixth, fifth or a quarter of income is paid in rent, depending on level of income. Persons without residential qualifications, however, are likely to have to pay considerably in excess of one quarter of their income to provide for their accommodation.

526. To reiterate, the States rental waiting list stood at 422 on 31 August 1999. The length of waiting continues to vary according to priority and urgency, ranging from a day to perhaps five years. The Housing Committee no longer administers hostels, but the average length of time for a family with two children to be provided with three bedroomed accommodation is between 18 months and two years. The Committee has a development programme for social rented

housing which aims to provide a net increase of over 500 dwellings by the end of 2003. Despite this programme, the Committee is lobbying the Planning and Environment Committee to provide additional land for housing as it believes the current programme is insufficient to meet the forecast need.

527. Rent subsidy schemes for both private and public sector tenants help to ensure that affordable accommodation is available for the majority of residents.

528. The Committee is continuing to support housing trusts with financial subsidies in order to assist the Committee in building sufficient units for social rented housing.

529. The following figures are taken from the 1996 census:

Total number of households	33 702	
Owner/ occupied	17 458	52 per cent
Public rental housing	4 575	15 per cent
Private sector rental and lodgings staff accommodation	11 669	34 per cent

Within the private rental etc., category there are some 500 units of Housing Association accommodation.

Legislation

530. The right to adequate housing is governed by the following legislation:

(i) Housing (Jersey) Law 1949, as amended from time to time;

Housing (General Provisions) (Jersey) Regulations 1949, as amended from time to time;

These prescribe those categories of residents who may lease or buy residential property in the island.

(ii) Act of the States dated 2 February 1950, requiring the Housing Committee to house evicted homeless families other than those who have become homeless through non-payment of rent;

(iii) Island development laws and regulations; island plans, including zoning plans;

(iv) Loi (1946) concernant l'expulsion de locataires refractaires, which gives the courts powers to defer evictions to take account of hardship and to protect tenants from arbitrary eviction.

The following legislation provides for the granting of subsidized loans to firsttime buyers:

Building Loans (Jersey) Law 1950, as amended from time to time;

Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1960, as amended from time to time.

The following legislation provides for a rent control tribunal to reduce private sector rents in individual cases where it considers rent charged is too high:

Dwelling Houses (Rent Control) (Jersey) Law 1946, as amended from time to time;

Dwelling Houses (Rent Control) (Jersey) Regulations 1946, as amended from time to time;

The following legislation provides for the Housing Committee to control registration, standards, etc. of private lodgings which offer accommodation for more than five persons:

Lodging Houses (Registration) (Jersey) Law 1962, as amended from time to time;

Lodging Houses (General Provisions) (Jersey) Orders, 1962, and subsequent Orders;

Acts of the States during the 1970s, 1980s and 1990s, providing rent abatement to public sector tenants;

Acts of the States (1989, 1990, 1992) providing rent rebates for low-income private tenants.

(v) Building Bye-Laws, modelled on United Kingdom legislation;

(vi) The Housing Law and Regulations specify who is entitled to rent and buy residential accommodation in the Island. Within those categories, there is no discrimination;

(vii) Loi (1946) concernant l'expulsion des locataires refractaires;

(viii) There has been no legislative repeal or reform of existing laws;

(ix) There is no legislation restricting speculation on housing;

(x) Island Planning (Jersey) Law, 1964.
Housing (Jersey) Law, 1949, as amended;

(xi) There is no legislation concerning environmental planning and health in housing and human settlements;

(xii) Island Planning (Jersey) Law 1964 and relevant Public Health legislation.

531. The following "enabling measures" are undertaken:

States financial assistance given to Housing Associations and Trusts to provide units at modest rentals for private tenants;

Private developers are able to build units for first-time buyers who receive subsidized States loans.

Private landlords who provide rental accommodation to low earning tenants are able to charge "fair" rents in the knowledge that tenants can afford those rents with rent subsidies.

532. From 1986 to 1998 the Housing Committee has built directly or provided subsidies to enable construction of 1,200 additional units of social rented housing. During the same period nearly 1,000 new homes were provided for first-time buyers. The Committee currently has a programme to provide an additional 519 new dwellings for social rented housing by the end of 2003. These net totals take into account an ambitious programme for redeveloping older, high density estates.

533. The island's Planning and Environment Committee is responsible for rezoning sites and is currently preparing a proposition to rezone land to provide potentially another 250 homes. Rezoning plans were contained in the Island Plan approved by the States in 1987 and the States have periodically approved additional land rezoning since, in response to regular updated estimates of projected housing requirements. The States are also involved in an ongoing "urban site initiative" aimed at securing the release of previously used land in the built up areas of the island.

534. A range of financial assistance is provided, e.g.:

Rent subsidies - approximately £18 million per annum;

States loan subsidies outstanding - approximately £70 million;

Cheap loans to parishes to provide residential accommodation for elderly persons;

Cheap loans or grants and/or property leased at nominal rents to voluntary organizations to provide accommodation for the elderly, the handicapped, homeless people, low-income families, battered wives, alcoholics, etc.

535. The issue of international assistance is not applicable.

536. The Planning and Environmental Committee and many parishes have worked together in the past on small village developments. States loans are granted to assist first-time buyers purchasing dwelling units in those developments.

537. There is no additional protection to that available under the 1946 Law quoted above.

538. There have been no changes in national policies, laws and practices during this reporting period.

539. The main difficulty concerns the island's shortage of land and the need to retain green open spaces in order to keep viable tourist and agricultural industries. The island has faced an excess of demand for housing over supply throughout this reporting period, especially in the rental sector. Measures are gradually helping to rectify this imbalance. For example, the Regulation of Undertakings Law has been implemented to address the problem of job growth, which is the major factor fuelling immigration.

540. Most problematic is the shortage of available sites for social housing purposes in relation to projected demand. This is compounded by:

(i) The need to protect the island's countryside from development which would detract from its character and its value to local residents and the agricultural and tourism industries;

(ii) The limited ready availability of suitable previously used sites in the built up area.

541. Measures taken to remedy this situation include:

A States initiative of establishing a Housing Forum comprising all those bodies involved with the provision of housing;

The regular meeting of relevant States committees to establish a corporate, consensual approach to tackling the island's housing problems;

Regular reviews of land availability;

Ongoing site identification and assessment of potential urban sites as part of the "urban sites initiative";

The establishment of financial and administrative mechanisms to secure the release of sites;

A current proposal to rezone additional sites on the periphery of built up areas to make up the identified shortfall in available sites.

542. Although the island is prosperous, it is recognized that there will be individuals who are in need of assistance. As such, two States committees have pursued policies relating to material and social deprivation.* The Policy and Resources Committee has adopted a monitoring and coordinating role, whereas the Employment and Social Security Committee has taken the lead role in respect of financial support and benefit provision.

543. The issue of international assistance is not applicable.

Article 12

544. The right to physical and mental health is included in the overall strategy for health and social services in Jersey. The Department is measuring the current level of physical and mental health through an island-wide survey. Specific health promotion programmes address mental health and aspects of physical health (e.g. physical activity). The development of integrated health and social care, better information systems and quality improvement in clinical care are all aimed at achieving the same goal.

545. Perinatal mortality rates are consistently amongst the best compared with United Kingdom districts. There is an active child health surveillance programme aimed at ensuring healthy development in children. The recent establishment of a Child Care Trust addresses some of the social determinants of healthy development.

546. Key aspects such as air quality, water quality and radiation are continually monitored, and reported in the annual report of the Medical Officer of Health of Jersey.

547. All aspects are addressed in line with known need and patterns of disease in the population. A formal health need and assessment process has recently been introduced and there is a readiness to introduce proven interventions and diagnostic technology where appropriate (e.g. magnetic resonance imaging). Population screening programmes for breast and cervical cancer are in place.

548. The combination of health insurance for primary care and public secondary health care means that disadvantaged groups can have access to such care without financial constraint. Provision of "health insurance exception" ensures access to primary health care free of charge for some individuals. (For example those with low incomes or affected by chronic illness.) Geographical access to primary care is improving (branch surgeries, and a new health resource centre coordinated by Family Nursing and Home Care). The needs of the substantial non-English speaking Portuguese community are being addressed through improved information and community projects.

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* Material deprivation entails the lack of goods and services, resources and amenities and physical environment which are considered customary. Social deprivation relates to exclusion or isolation from the community arising from factors such as age; long-term limiting illness; household type; and employment status.

Article 13

549. The right to education is governed by the Education (Jersey) Law 1999.

550. The educational system is designed to encourage the development of each individual intellectually, aesthetically, morally and spiritually. Each pupil is given an understanding of the society in which he lives, its historical background, its rights and its privileges in order that he may compare this with other social structures. A pupil's entitlement to a broad and balanced curriculum is described in the New Jersey National Curriculum, which is based upon the curriculum model currently used in the United Kingdom. "Human rights teaching" as reflected in the Charter of the United Nations would, in one way or another, form part of a pupil's curriculum. Links are developed and encouraged with neighbouring nations, particularly France and the United Kingdom; people of all other nations legitimately living or working in the community have equality of access to education. Pupils are made aware of the functions and activities of the United Nations as a fundamental part of the curriculum.

Full realization of right to education

551. The education of all children between the ages of 5 and 16 years is mandatory. Primary schools have been established within reasonable distance of all parts of the population. Special provision is made in the case of children with special educational needs, including those for whom English is a foreign language. Primary education covers 100 per cent of children of 5 to 11 years of age. Seventy-three per cent of the primary population choose free education; the remaining 27 per cent choose fee-paying schools, almost all of which receive States aid. It is considered that the right to free education is fully realized.

552. Secondary education is compulsory up to the age of 16 years, and freely available after that age, subject to academic ability. Technical education covers approximately 10 per cent of the curriculum. It is considered that most education is vocational in some respect. Free secondary education is available at all academic levels (11-18 years); in addition, there are a number of private schools which are subsidized by the States. It is considered that the right to secondary education is fully realized.

553. Students who meet higher education entrance requirements through the United Kingdom examinations taken locally are able to apply for, and obtain, places in higher education. Owing to the small size of the island, there is little higher education in Jersey (except through the Open University and Highlands College) and students generally receive university education in the United Kingdom. It is estimated that 40 per cent of the school population go on to participate in higher education and State aid is provided for these students on the basis of parental income.

554. Mandatory education has been in operation long enough for all of the population to have been educated to some extent, but for all adults who require it, confidential individual basic skills tuition is available. Adult illiteracy is a very minor problem in Jersey and is dealt with on an individual basis. Detailed statistics on drop-out rates are not available.

555. It is considered that the right to education has been fully realized. Full-time education is compulsory up to the age of 16 in the island and 82 per cent of students choose to remain in education thereafter with, as previously stated, 40 per cent subsequently going on to enrol in further education courses.

556. As of 1998, education expenditure amounted to 21 per cent of total States expenditure. The States of Jersey operate a scheme of education open to all through the following:

Primary	25 schools (5-11 years)	Population	6 093
Secondary	4 schools (11-16 years)	Population	2 729
	2 colleges (11-18 years)	Population	1 259
	1 high school (14-18 years	Population	480
College of further education full and part time courses	(16+ years)	Full-time equivalent	1 396

557. The Education Service has a clear policy of equal opportunity in the curriculum for all levels and amongst all groups:

(a) The ratio is in proportion to the numbers of each sex in the population;

(b) All groups enjoy the right to literacy and education described above;

(c) Continuous monitoring of materials and teaching methods;

(d) Provision for families where the mother tongue is not English has been extended over the years as the need has grown.

558. Teachers' salaries are negotiated locally. Increases are generally in line with those for other civil servants. Teachers who come to the island on contract are provided with rent subsidies. It is considered that the requirements of this section are adequately complied with.

559. Independent schools may operate within the island provided that the Education Committee is satisfied that they are adequately staffed and that pupils receive a satisfactory education. There are currently seven schools, with approximately 2,319 pupils, not established and administered by the Government. No difficulties have been encountered by those wishing to establish or gain access to these schools other than the limitations on numbers that can be accommodated.

560. During the period under review there have been no changes negatively affecting the right enshrined in article 13. The island has updated the legislation in this area to reflect and provide for current practices.

561. Rights have been achieved without international assistance.

Article 14

562. Primary education is compulsory and free of charge.

Article 15

563. The States of Jersey has emphasized its commitment to cultural life and scientific progress through a series of initiatives during the last five years.

564. The two major cultural trusts - the Jersey Heritage Trust and the Jersey Arts Trust - have continued to develop the range and quality of cultural provision in Jersey and there have been some notable developments.

Jersey Heritage Trust

565. The Jersey Heritage Trust has undertaken a thorough review of its constitution leading to a strengthened board of trustees and a new purpose statement:

> "Jersey's heritage and culture is special. The purpose of the Jersey Heritage Trust is to care for it, promote wide access to it, act as advocates on its behalf and bring imagination to telling its stories so that we inspire people to create a better island for everyone."

566. In 1996, the Heritage Trust opened the Occupation Tapestry Gallery to house the 12 tapestries made to commemorate the fiftieth anniversary of Liberation in 1995. The success of this community artwork has been reflected in the popularity of the Gallery, which has become something of a spiritual home for memories of the Occupation. In 1997, a memorial was erected outside the Gallery to the 20 Jersey people who died in concentration camps, an event further marked by the publication in 1998 of original research into their lives and fates.

567. In the same building, the Trust also opened in 1997 a new Maritime Museum and associated external artworks, funded with a grant of £1.3 million by the States of Jersey through its Tourism Investment Fund. This revolutionary new museum has attracted international acclaim, having won the 1998/99 National Heritage Museum of the Year Award, and having also received special commendations in both the 1998 Gulbenkian Awards and the 1999 European Museum of the Year Awards.

568. The Heritage Trust, on the request of the States of Jersey, has also embarked on an ambitious project to make proper provision for public archives and records for the first time. With a capital grant of around £5.5 million from the States, the Trust is now constructing the new Jersey Archive, built to the highest national standards, to house public and important private records, and to provide free access to them. This new service, to be underpinned by new legislation, will be open and providing a full service during 2000.

569. As well as these major development projects, the Trust has also developed its education service to schools and adults, and has undertaken a range of outreach projects to involve the community widely in understanding, appreciating and preserving its shared heritage and culture.

570. In 1999, the States voted a grant of £3 million to the Heritage Trust to carry out a programme, due for completion in 2004, of restoration, repair, new interpretation and better visitor services at the medieval Mont Orgueil Castle. In 2000, Jersey is honoured to be hosting, for the first time, the 106th annual Conference of the Museums Association, reflecting the international interest in its heritage work over the past decade. The year 2000 will also see the completion of the Millennium Mosaic, a community art project which will record the hopes and fears of its islanders for the new Millennium, and Citibank Jersey 2000, a project to record photographically a year in the life of the island. Work will also start on a Millennium Monument, to be commissioned for a major public site in St. Helier at a cost of £250,000.

571. The Heritage Trust continues to work in close association with the Société Jersiaise, founded in 1873. The objects of the Société are the study of the history, ancient language, geology, natural history and antiquities of the island, the dissemination of knowledge about them through education, publication and by other means, the preservation of the ancient language, antiquities, significant relics and records and the conservation of the environment. Popular participation in the pursuit of these activities remains high, with a membership of around 4,500. The Société has produced a series of important learned publications about the island and stimulated wide debate about current issues through occasional conferences.

Jersey Arts Trust

572. The objectives of the Jersey Arts Trust, created in 1993, are to develop, improve and promote the understanding, practice and accessibility of arts and crafts in the island. The Trust provides financial assistance to local individuals and associations involved in either arts or crafts through the provision of grants and underwriting for productions, projects or courses. Grant administration is a core part of Trust work, as is the maintenance of an island arts and crafts calendar. The "Diary of Artistic and Cultural Events" is prepared following quarterly meetings, produced bi-monthly and is distributed to about 100 locations throughout the island. The calendar gives contact names and other information and is useful in preventing avoidable clashes of dates. The Trust is also the central source of information for the arts and crafts in Jersey and offers an advisory service to islanders.

573. The Trust continues to be responsible for arts based festivals in Jersey and successfully ran the Jersey International Festivals in 1995 and 1996. It continues to fund the Jersey Jazz Festival and the Jersey Festival of World Music, as well as the first International Choir Festival in 1999, amongst others. Investigation into other possible festivals is ongoing and the Trust is planning the next Jersey International Festival for 2001, once the building projects under its control have been completed and opened.

574. The Trust also provides revenue funding to the Jersey Arts Centre Association, which runs the local Arts Centre and provides a regular programme - amateur and professional - of theatre, music, dance, visual arts and lectures. The Arts Centre also runs courses and workshops and is used for a wide range of community-based arts activities run by local practitioners.

575. The Trust has responsibility for overseeing the development of both St. James and the Opera House. The States of Jersey purchased the Opera House in 1995 and entrusted the Trust to bring plans for the refurbishment of the theatre forward. In 1997 the Jersey Arts Trust launched a fund-raising campaign in order to raise the money required for the £7 million restoration project. To date the appeal has raised some £1.5 million and in 1998 the States guaranteed a £5.5 million loan in order that work on the restoration could begin. Work is now well advanced and the Opera House will reopen its doors on 9 July 2000, exactly 100 years to the day since Lillie Langtry first opened the theatre.

576. In 1994, the States approved a lease to the Jersey Arts Trust at a nominal rent of the former town church, St. James, for arts, community and conference purposes. In 1996 the Sates granted £1 million to the Trust for improvements to the site. The Trust began work in 1998 after Property Services had undertaken remedial works to make the site wind and water tight. The Trust's building contract includes the renovation and refurbishment of the interior, better acoustics, removable seating and a link to the adjoining vicarage. The vicarage presently houses the administration offices of both the Trust and the Arts Centre.

577. Amongst the organizations the Trust supports is the Jersey Eisteddfod, which was founded in 1908 and plays an important part in island culture. The Eisteddfod is an organization that helps amateurs of all kinds to improve their chosen skills by competitive performance and/or exhibition, accompanied by constructive comment from professional adjudicators. A performance arts festival is held in the autumn and a creative visual arts exhibition in the spring. At present they comprise: Dance, Speech and Drama in English, French and Norman-French languages, Music, Arts and Crafts of many kinds, Flower-arranging and Photography. The Jersey Eisteddfod is run by a small army of volunteers and involves 10 per cent of the community in one form or another. In 1998 there were over 4,000 performers and 3,000 visual arts entries. The Jersey Eisteddfod is funded by a combination of income generated by fees and donations, commercial sponsors and an annual grant from the Jersey Arts Trust.

The right to enjoy the benefits of scientific progress and its applications

578. The natural environment, landscape and biodiversity can be considered as an essential ingredient of cultural and "scientific" development. Under the Strategic Policy Review "2000 and Beyond", the "Quality of Life" chapter included an objective "to recognize the full value of the Island's important coast and countryside".

579. Several approaches have been adopted to meet this requirement:

Update of the Island Plan - started in 1997 and ongoing;

Review of the Les Mielles "Special Area" status after 20 years of implementation. The review examines how best to carry forward holistic land use policies to ensure the character and natural and cultural importance of the area is protected;

Commissioning of a countryside character appraisal - cutting edge research to characterize the landscape, cultural and natural components of the island and outlying reefs and islets;

Production of a biodiversity strategy to conserve critical natural capital for future generations;

Establishment of a Ramsay* area on the south-east coast (agreed by the States on 9 November 1999).

580. Work is under way to improve fundamental understanding of the terrestrial and marine biodiversity of the island. Baseline surveys at both habitat and species level have been commissioned. The survey data provides the basic information for ongoing conservation management and prioritization of conservation objectives. Several PhD studentships have been provided to ensure primary research is undertaken into marine sediment processes which have important implications for sea defence, pollution dispersion and environmental impact assessment of major development projects.

581. Considerable emphasis is placed on improving public awareness and access to the countryside and coastal areas, to educate all ages on the importance of our environmental heritage and gather support for increased efforts. More than 116 km of public footpaths are maintained as part of a round-island footpath network and more than 515 hectares of land are managed for conservation purposes by the States Environmental Services Unit. Two environmental interpretation centres are open throughout the summer tourism season and a third is scheduled for opening in summer 2000.

582. The rich cultural mix in the island facilitates mutual appreciation of different cultural identities. A "Millennium Village" is being organized for June 2000; it will be a week-long celebration, with entertainment and food stalls, of the various ethnic communities represented in the island.

583. Grant funding is provided to a number of ethnic minority communities in the island so that each can organize and stage an annual festival week to celebrate and promote awareness and enjoyment of their own culture and heritage amongst the local population and visitors alike.

584. Geographic proximity and a common history provide the basis for a particularly close relationship with the neighbouring French regions of Brittany and Normandy. A number of Jersey parishes are twinned with communities in Lower Normandy. The "Jeux Inter-villes" are a regular biennial event. Several organizations in Jersey, such as the Amitiés Franco-Britanniques and the Association Jersey-Coutançais, take an active interest in French cultural activities and, in September 1994, the Commission Amicale was established between the States of Jersey and the Conseil Régional de Basse Normandie with the aim of reinforcing the cultural and commercial links between the two areas. An active programme of educational exchanges and visits is already in existence and the Commission is hoping to further develop these activities. The "Maison de Normandie et de la Manche", an information and advice centre was opened in Jersey in February 1995, and the "Maison de Jersey" was opened in July 1998 in Caen and carries out a similar function.

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* Jersey is a party to the "Ramsar Convention", which recognizes the conservation and wise use of wetlands to achieve sustainable development throughout the world.

585. The island is an active member of both the Commonwealth Parliamentary Association and the Association internationale des parliamentaires de langue française.

586. A Friendship Agreement between Jersey and Madeira was signed on 12 May 1998 and a first year anniversary was celebrated by a visiting Jersey delegation in Madeira in November 1999.

587. The local communications media, which include television and radio stations and press, all participate actively in promoting the island's cultural life.

588. The States of Jersey are currently considering measures to ensure the protection and preservation of buildings and sites of special interest in the island. In this connection, a survey has been undertaken and a register produced of the island's building of "architectural, artistic, cultural, historical, scientific or traditional interest". Buildings identified as being of Grade 1 importance will, in due course, be designated as sites of special interest under the Island Planning (Jersey) Law 1964, as amended. Proposals for raising the funds to provide the owners with the financial support necessary to preserve and maintain sites of special interest and possibly other buildings on the register are currently under consideration. The island became a party to the UNESCO Convention for the Protection of the World Cultural and Natural Heritage in June 1996, when the United Kingdom's ratification of the Convention was extended to the Bailiwick.

589. There is no legislation protecting the freedom of artistic creation and performance. The only limitations imposed on such freedom are that no display should offend morals or contravene the laws on public nuisance.

590. The island has a strong tradition of education in the field of culture and art and its success in this respect is reflected in the number of students who go on to take arts-related degrees and further education courses each year.

591. It is considered that the rights covered by this section are adequately realized.

592. It has not been deemed necessary to make legislative provision covering the right to enjoy the benefits of scientific progress and its applications, which are freely enjoyed in the island.

593. The Health and Social Services Committee has a direct responsibility for the promotion of a healthy and pure environment. At an early age, school children are made aware of the necessity for hygiene, etc.

594. Scientific progress is disseminated to a literate community by the communications media, together with the provision of reference libraries.

595. It is recognized that everyone has the right to life, health, personal freedom, privacy, etc. No restrictions are placed on these rights.

596. The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author are protected by the following legislation:

Copyright - Loi (1913) au Sujet des Droits d'Auteur;

Registered Designs (Jersey) Law 1957;

Trade Marks (Jersey) Law 1958; Trade Marks (Amendments) (Jersey) Law;

Patents (Jersey) Law 1957, as amended in 1981;

Merchandise Marks (Jersey) Law, 1958.

597. Steps are ongoing to ensure that the island's legislation on intellectual property matters meets the requirements of the World Trade Organization, but it is considered that the above legislation, copies of which have previously been submitted, covers adequately the rights referred to in this section.

598. There are no laws or agreements covering the conservation, development and diffusion of science and culture. In a progressive society, members are made aware, through the news media, and, where appropriate, through the educational system, of developments in the field of science and culture throughout the world.

599. Everyone has the right to the freedom of scientific research and creative activity, although, in a small community such as Jersey it is neither appropriate nor economical for much research to be carried out locally.

600. Those persons who do engage in the scientific and creative work referred to in this Section are obviously free to consult with appropriate organizations, both within and outside the island.

601. The States of Jersey are party to a number of international conventions governing the scientific and cultural fields, including the European Cultural Convention and it follows that international cooperation takes place when appropriate.

602. During the reporting period, there have been no changes in national policies, laws and practices which negatively affects the rights enshrined in this article.

603. The island has not submitted recent reports relevant to this article to any United Nations or specialized agency.

604. The issue of international assistance is not applicable.